



DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF SOCIAL WORK EXAMINERS  
STATUTES AND REGULATIONS

AS OF MARCH 2004

INTERNET - 3/22/04

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**BOARD OF SOCIAL WORK EXAMINERS**  
**CHAPTER 1. GENERAL PROVISIONS**  
**ARTICLE 1. GENERAL PROVISIONS RELATING TO ALL PROFESSIONS AND**  
**OCCUPATIONS**  
**AFFECTED BY THIS SUBTITLE**

**45:1-1. Persons entitled to practice, etc. under former laws unaffected**

Any person now entitled to practice any profession or to engage in any occupation, governed or regulated by the provisions of this title by virtue of any prior law, shall continue to be entitled to practice or engage in the same, notwithstanding the enactment of this title, and the validity of any license or other authorization to practice any such profession or to engage in any such occupation, heretofore issued to any person under any prior law, or of any proceeding pending to obtain such a license or authorization shall not be affected by the enactment of this title but all such persons shall in all other respects be subject to the provisions of this title.

**45:1-2. Repealed by L.1971, c. 60, § 5, eff. March 25, 1971**

**45:1-2.1. Professional boards and commissions; application of act**

The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage and Family Therapy Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the New Jersey Real Estate Commission, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, the Acupuncture Examining Board, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, the State Board of Social Work Examiners, the State Board of Public Movers and Warehousemen and the State Board of Physical Therapy Examiners.

**45:1-2.2. Appointment of members by governor; public members; member from department in executive branch; quorum; vote necessary for action**

- a. All members of the several professional boards and commissions shall be appointed by the Governor in the manner prescribed by law; except in appointing members other than those appointed pursuant to subsection b. or subsection c., the Governor shall give due consideration to, but shall not be bound by, recommendations submitted by the appropriate professional organizations of this State.
- b. In addition to the membership otherwise prescribed by law, the Governor shall appoint in the same manner as presently prescribed by law for the appointment of members, two additional members to represent the interests of the public, to be known as public members, to each of the following boards and commissions: The New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional

Engineers and Land Surveyors, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the New Jersey Real Estate Commission, the State Board of Shorthand Reporting, the State Board of Social Work Examiners, and the State Board of Veterinary Medical Examiners, and one additional public member to each of the following boards: the Board of Examiners of Electrical Contractors, the State Board of Marriage and Family Therapy Examiners, the State Board of Examiners of Master Plumbers, and the State Real Estate Appraiser Board. Each public member shall be appointed for the term prescribed for the other members of the board or commission and until the appointment of his successor. Vacancies shall be filled for the unexpired term only. The Governor may remove any such public member after hearing, for misconduct, incompetency, neglect of duty or for any other sufficient cause.

No public member appointed pursuant to this section shall have any association or relationship with the profession or a member thereof regulated by the board of which he is a member, where such association or relationship would prevent such public member from representing the interest of the public. Such a relationship includes a relationship with members of one's immediate family; and such association includes membership in the profession regulated by the board. To receive services rendered in a customary client relationship will not preclude a prospective public member from appointment. This paragraph shall not apply to individuals who are public members of boards on the effective date of this act.

It shall be the responsibility of the Attorney General to insure that no person with the aforementioned association or relationship or any other questionable or potential conflict of interest shall be appointed to serve as a public member of any board regulated by this section.

Where a board is required to examine the academic and professional credentials of an applicant for licensure or to test such applicant orally, no public member appointed pursuant to this section shall participate in such examination process; provided, however, that public members shall be given notice of and may be present at all such examination processes and deliberations concerning the results thereof, and, provided further, that public members may participate in the development and establishment of the procedures and criteria for such examination processes.

c. The Governor shall designate a department in the Executive Branch of the State Government which is closely related to the profession or occupation regulated by each of the boards or commissions designated in section 1 of P.L.1971, c. 60 (C. 45:1-2.1) and shall appoint the head of such department, or the holder of a designated office or position in such department, to serve without compensation at the pleasure of the Governor as a member of such board or commission.

d. A majority of the voting members of such boards or commissions shall constitute a quorum thereof and no action of any such board or commission shall be taken except upon the affirmative vote of a majority of the members of the entire board or commission.

#### **45:1-2.3. Qualifications; rights and duties**

Such additional members:

- a. Need not meet the educational and professional requirements for membership on such boards or commissions as provided in the several statutes establishing such boards and commissions; and
- b. Shall be voting members subject to the same rights, obligations and duties as other members of their respective boards or commissions.

#### **45:1-2.4. Effect of act on term of member in office**

Nothing in this act shall affect the right of a board or commission member in office on the effective date of this act to continue to serve for the term for which he was appointed.

#### **45:1-2.5. Compensation and reimbursement of expenses of members; executive secretaries; compensation and terms of employment; offices and meeting places**

With respect to the boards or commissions designated in section 1 of P.L.1971, c. 60 (C.45:1-2.1), except as otherwise provided in subsection d. of this section, and notwithstanding the provisions of any other law:

- a. The officers and members shall be compensated on a per diem basis in the amount of \$25.00 or an amount to be determined by the Attorney General, with the approval of the State Treasurer, but not to exceed \$100.00 per diem or \$2,500.00 annually, and shall be reimbursed for actual expenses reasonably incurred in the performance of their official duties. Such moneys shall be paid according to rules and regulations promulgated by the Attorney General.
- b. The executive secretary shall receive such salary as shall be determined by the appointing authority within the limits of available appropriations and shall serve at its pleasure. Any such executive secretary who holds a certificate, license or registration issued by the board or commission by which he is employed shall not during such employment be permitted to engage in any profession or occupation regulated by the board or commission.
- c. The head of the department to which such board or commission is assigned shall maintain within any public building, whether owned or leased by the State, suitable quarters for the board's or commission's office and meeting place, provided that no such office or meeting place shall be within premises owned or occupied by an officer or member of such board or commission.
- d. The compensation schedule for members of boards and commissions provided in subsection a. of this section shall not apply to the members of the New Jersey Real Estate Commission, who shall be compensated pursuant to R.S.45:15-6 or to members of the State Board of Medical Examiners who shall receive compensation of \$150 per diem.

#### **45:1-2.6. Inapplicability of act to rights under civil service or any pension law or retirement system**

Nothing in this act shall deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service,<sup>1</sup> or any pension law or retirement system.

<sup>1</sup> Now title 11A.

### **45:1-3. Expenses of boards paid from income; surplus paid to state treasurer; accounts**

Each member of the boards mentioned in section 45:1-2<sup>1</sup> of this title shall be entitled to his actual traveling and other expenses incurred in the performance of his duties, which sum shall be paid from the license fees and other sources of income of such boards. Such boards shall also be entitled to expend from their income such sums as shall be necessary to defray all proper expenses incurred by them in the performance of their duties, including the compensation of any of their officers or agents whom they are authorized to compensate. Such boards, if authorized to collect an annual registration or license fee from persons licensed by them, may retain in their treasuries the fees so collected and use the same for the purpose of defraying the expenses of securing evidence against and prosecuting persons violating the provisions of the laws with the enforcement of which they are charged, or, in case the revenue of the boards from other sources shall be insufficient to pay the salary of their secretaries and their other expenses, such fees may be expended for such purposes. Such boards shall be entitled to retain, in addition to the above, at least one hundred dollars in their treasuries for the purpose of preparing and holding their examinations. On or before October thirty-first in each year such boards shall pay to the state treasurer all moneys remaining in their treasuries, except as above stated, which sum, when so paid, shall form a part of the state fund. Such boards shall keep accurate accounts of their receipts and expenditures, which accounts shall be subject to audit by the state comptroller.

<sup>1</sup>Repealed; see, now, §§ 45:1-2.1, 45:1-2.2.

#### **45:1-3.1. Application of act**

The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage and Family Therapy Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, the Acupuncture Examining Board, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, the State Board of Social Work Examiners and the State Board of Physical Therapy Examiners.

#### **45:1-3.2. Charges for examinations, licensures and other services; establishment or change by rule; standards**

Notwithstanding the provisions of Title 45 of the Revised Statutes or any other law to the contrary, any board or commission named in section 1 of this supplementary act <sup>1</sup> may by rule establish, prescribe or change the charges for examinations, licensures and other services it performs, which rule shall first be approved by the head of the department to which such board or commission is assigned and shall be adopted in accordance with the provisions of the “Administrative Procedure Act,” P.L.1968, c. 410 (C. 52:14B-1).

Any board's or commission's charges established, prescribed or changed pursuant to this section shall be established, prescribed or changed to such extent as shall be necessary to defray all proper expenses incurred by the board or commission in the performance of its duties but such charges shall not be fixed at a level that will raise amounts in excess of the amount estimated to be so required.

<sup>1</sup>N.J.S.A. § 45:1-3.1.

#### **45:1-3.3. Administrative fees charged by boards; modification**

The Director of the Division of Consumer Affairs may by rule establish, prescribe, or modify administrative fees charged by boards in accordance with the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.). For purposes of this section, "administrative fees" are charges assessed to licensees, registrants or holders of certificates, as the case may be, for board functions that are not unique to a particular board but are uniform throughout all boards. Administrative fees include, but are not limited to, fees for a duplicate or replacement license, certification or registration, late renewal fee, license reinstatement fee, and the fee for processing change of address.

#### **45:1-4. Salary of secretary**

The secretary of each of the boards mentioned in section 45:1-2.1 of this title, whether or not a member thereof, shall be entitled to receive such reasonable salary or compensation for his services as secretary as shall be fixed by such boards, which shall be paid by the boards from their receipts, unless an appropriation is made for the expenses of such boards, in which case the same shall be paid from such appropriation.

<sup>1</sup>Repealed. See, now, §§ 45:1-2.1, 45:1-2.2.

#### **45:1-5, 45:1-6. Repealed by L.1979, c. 432, § 4, eff. Feb. 14, 1980**

#### **45:1-7. Professional or occupational licenses or certificates of registration; duration; expiration; exceptions; fees**

Notwithstanding any of the provisions of Title 45 of the Revised Statutes or of any other law to the contrary, all professional or occupational licenses or certificates of registration, except such licenses or certificates issued to real estate brokers or salesmen pursuant to chapter 15 of Title 45, which prior to the effective date of this act were issued for periods not exceeding one year and were annually renewable, shall, on and after the effective date of this act, be issued for periods of two years and be biennially renewable, except that licenses and business permits issued to electrical contractors and certificates of registration issued to qualified journeymen electricians pursuant to chapter 5A of Title 45 shall be issued for periods of three years and be triennially renewable; provided, however, the boards or commissions in charge of the issuance or renewal of such licenses or certificates may, in order to stagger the expiration dates thereof, provide that those first issued or renewed after the effective date of this act, shall expire and become void on a date fixed by the respective boards or commissions, not sooner than six months nor later than 29 months, after the date of issue.

The fees for the respective licenses and certificates of registration issued pursuant to this act for periods of less or greater than one year shall be in amounts proportionately less or greater than the fees established by law.

#### **45:1-7.1. Application to holders of professional or occupational licenses**

- a. Notwithstanding any other act or regulation to the contrary, the provisions of this section and sections 6 and 7 of P.L.1999, c. 403 (C.45:1-7.2 et al.) shall apply to every holder of a professional or occupational license or certificate of registration or certification issued or renewed by a board specified in section 2 of P.L. 1978, c. 73 (C.45:1-15), who seeks renewal of that license or certificate.
- b. Every holder of a professional or occupational license or certificate of registration or certification, issued or renewed by a board specified in section 2 of P.L.1978, c. 73 (C.45:1-15), who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license or certificate of registration or certification. If the holder does not renew the license or certificate prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any professional or occupational license or certificate of registration or certification not renewed within 30 days of its expiration date shall be suspended without a hearing.
- c. Any individual who continues to practice with an expired license or certificate of registration or certification after 30 days following its expiration date shall be deemed to be engaged in unlicensed practice of the regulated profession or occupation, even if no notice of suspension has been provided to the individual.
- d. A professional or occupational license or certificate of registration or certification suspended pursuant to this section may be reinstated within five years following its date of expiration upon submission of a renewal application and payment of an additional reinstatement fee. An applicant seeking reinstatement of a license or certificate suspended pursuant to this section more than five years past its expiration date shall successfully complete the examination required for initial licensure, registration or certification and submit a renewal application and payment of an additional reinstatement fee.
- e. A board specified in section 2 of P.L. 1978, c. 73 (C. 45:1-15) shall send a notice of renewal to each of its holders of a professional or occupational license or certificate of registration or certification, as applicable, at least 60 days prior to the expiration of the license or certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

#### **45:1-7.2. Reinstatement**

A board may reinstate the professional or occupational license or certificate of registration or certification of an applicant whose license or certificate has been suspended pursuant to section 5 of P.L.1999, c. 403 (C.45:1-7.1), provided that the applicant otherwise qualifies for licensure, registration or certification and submits the following upon application for reinstatement:

- a. Payment of all past delinquent renewal fees;
- b. Payment of a reinstatement fee;
- c. An affidavit of employment listing each job held during the period of suspended license, registration or certification which includes the names, addresses, and telephone numbers of each employer; and



d. If applicable, satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours or credits required for the renewal of an active license or certificate of registration or certification.

#### **45:1-7.3. Renewal applications**

a. Renewal applications for all professional or occupational licenses or certificates of registration or certification shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in professional or occupational practice within the State.

b. An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the board, the board permits the inactive applicant to return to active status provided such applicant presents satisfactory proof that he has maintained proficiency by completing the continuing education hours or credits required for the renewal of an active license, registration or certification, if applicable. The continuing education hours or credits shall be completed by the applicant within three years prior to the date of application for the return to active status, unless otherwise provided by board rule.

#### **45:1-8. Contractors; application of § 45:1-9**

The provisions of this act apply to the following classes of contractors:

- a. Tree experts, certified pursuant to P.L.1940, c. 100 (C. 13:1-28 et seq.);
- b. Home repair contractors, licensed pursuant to P.L.1960, c. 41 (C. 17:16C-62 et seq.);
- c. Electrical contractors, licensed pursuant to P.L.1962, c. 162 (C. 45:5A-1 et seq.);
- d. Master plumbers, licensed pursuant to P.L.1968, c. 362 (C. 45:14C-1 et seq.);
- e. Well drillers, licensed pursuant to P.L.1947, c. 377 (C. 58:4A-5 et seq.); and
- f. Any class of contractors who hereafter are licensed by the State.

<sup>1</sup>Renumbered C. 45:15C-1 to 45:15C-10.

#### **45:1-9. Indication of license or certificate number on contracts, bids and advertisements**

Any contractor licensed by the State shall indicate his license or certificate number on all contracts, subcontracts, bids and all forms of advertising as a contractor.

#### **45:1-10. Disclosure of laboratory payments on bills to patients and third party payors**

It shall be unlawful for any person licensed in the State of New Jersey to practice medicine or surgery, dentistry, osteopathy, podiatry or chiropractic to agree with any clinical, bio-analytical or hospital laboratory, wheresoever located, to make payments to such laboratory for individual tests, combination of tests, or test series for patients unless such person discloses on the bills to patients and third party payors the name and address of such laboratory and the net amount or amounts paid or to be paid to such laboratory for individual tests, combination of tests or test series.

**45:1-10.1. Claims for third party payment; licensed health care professional; responsibility for filing**

Effective 12 months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c. 154 (C.17B:30-23), a health care professional licensed pursuant to Title 45 of the Revised Statutes is responsible for filing all claims for third party payment, including claims filed on behalf of the licensed professional's patient for any health care service provided by the licensed professional that is eligible for third party payment, except that at the patient's option, the patient may file the claim for third party payment.

a. In the case of a claim filed on behalf of the professional's patient, the professional shall file the claim within 60 days of the last date of service for a course of treatment, on the standard claim form adopted by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c. 154 (C.17B:30-23).

b. In the case of a claim in which the patient has assigned his benefits to the professional, the professional shall file the claim within 180 days of the last date of service for a course of treatment, on the standard claim form adopted by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c. 154 (C.17B:30-23). If the professional does not file the claim within 180 days of the last date of service for a course of treatment, the third party payer shall reserve the right to deny payment of the claim, in accordance with regulations established by the Commissioner of Banking and Insurance, and the professional shall be prohibited from seeking any payment directly from the patient.

(1) In establishing the standards for denial of payment, the Commissioner of Banking and Insurance shall consider the good faith use of information provided by the patient to the professional with respect to the identity of the patient's third party payer, delays in filing a claim related to coordination of benefits between third party payers and any other factors the commissioner deems appropriate, and, accordingly, shall define specific instances where the sanctions permitted pursuant to this subsection shall not apply.

(2) A professional who fails to file a claim within 180 days and whose claim for payment has been denied by the third party payer in accordance with this subsection may, in the discretion of a judge of the Superior Court, be permitted to refile the claim if the third party payer has not been substantially prejudiced thereby. Application to the court for permission to refile a claim shall be made within 14 days of notification of denial of payment and shall be made upon motion based upon affidavits showing sufficient reasons for the failure to file the claim with the third party payer within 180 days.

c. The provisions of this section shall not apply to any claims filed pursuant to P.L.1972, c. 70 (C.39:6A-1 et seq.).

d. A health care professional who violates the provisions of subsection a. of this section may be subject to a civil penalty of \$250 for each violation plus \$50 for each day after the 60th day that the provider fails to submit a claim. The penalty shall be sued for and collected by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

**45:1-11. Violations; penalty**

Any person violating this act shall be guilty of a misdemeanor.

**45:1-12. Podiatrist, optometrist or psychologist or professional service corporation; charge for completion of claim form for health insurance; fine; collection and enforcement**

No podiatrist, optometrist or psychologist and no professional service corporation engaging in the practice of podiatry, optometry or psychology in this State shall charge a patient an extra fee for services rendered in completing a medical claim form in connection with a health insurance policy. Any person violating this act shall be subject to a fine of \$100.00 for each offense.

Such penalty shall be collected and enforced by summary proceedings pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.). The Superior Court and municipal court shall have jurisdiction within its territory of such proceedings. Process shall be either in the nature of a summons or warrant and shall issue in the name of the State, upon the complaint of the State Board of Medical Examiners with respect to podiatrists, the New Jersey State Board of Optometry for optometrists or the State Board of Psychological Examiners for psychologists.

**45:1-13. Repealed by L.1999, c. 403, § 12, eff. Jan. 18, 2000****45:1-14. Legislative findings and declarations; liberal construction of act**

The Legislature finds and declares that effective implementation of consumer protection laws and the administration of laws pertaining to the professional and occupational boards located within the Division of Consumer Affairs require uniform investigative and enforcement powers and procedures and uniform standards for license revocation, suspension and other disciplinary proceedings by such boards. This act is deemed remedial, and the provisions hereof should be afforded a liberal construction.

**45:1-15. Boards and professions or occupations regulated by or through such boards; application of act**

The provisions of this act shall apply to the following boards and all professions or occupations regulated by, through or with the advice of those boards: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage and Family Therapy Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Acupuncture Examining Board, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, the State Board of Social Work Examiners, the State Board of Physical Therapy Examiners, the Professional Counselor Examiners Committee, the New Jersey Cemetery Board, the Orthotics and Prosthetics Board of Examiners, the Occupational Therapy Advisory Council, the Electrologists Advisory Committee, the Alcohol and Drug Counselor Committee, the Fire Alarm,

Burglar Alarm, and Locksmith Advisory Committee, the Home Inspection Advisory Committee, the Massage, Bodywork and Somatic Therapy Examining Committee, and the Audiology and Speech-Language Pathology Advisory Committee.

#### **45:1-15.1. Rules and regulations**

Consistent with their enabling acts, P.L.1978, c. 73 (C.45:1-14 et seq.) and the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.), the boards and others set forth in section 2 of P.L.1978, c. 73 (C.45:1-15) are authorized to adopt rules and regulations to serve the public health, safety and welfare.

#### **45:1-16. Definitions**

As used within this act the following words or terms shall have the indicated definition unless the context clearly indicates otherwise.

“Board” means any professional or occupational licensing board designated in section 2 of this act.<sup>1</sup>

“Director” means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

“Person” means any natural person or his legal representative, partnership, corporation, company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestuis que trust thereof.

<sup>1</sup>N.J.S.A. § 45:1-15.

#### **45:1-17. Powers of Attorney General to implement act and administer law enforcement activities of boards**

In implementing the provisions of this act and administering the law enforcement activities of those professional and occupational boards located within the Division of Consumer Affairs, the Attorney General may:

a. After advice to the board or boards in question of his intent to proceed under this section, and the specific action he intends to take, and the failure of such board or boards to take steps in accordance with the advice of the Attorney General within 30 days of receipt of such advice, promulgate rules and regulations consistent with the provisions of this act and the Administrative Procedure Act, P.L.1968, c. 410 (C. 52:14B-1 et seq.) governing the procedure for administrative hearings before all boards within the Division of Consumer Affairs. Such rules and regulations shall govern administrative complaints, answers thereto, issuance of subpoenas, appointment of hearing examiners, adjournments, submission of proposed findings of fact and conclusions of law, the filing of briefs, and such other procedural aspects of administrative hearings before the boards as the Attorney General may deem necessary; provided, however, nothing herein authorized shall be construed to require the Attorney General to promulgate rules regarding prehearing investigative procedures.

b. After advice to the board or boards in question of his intent to proceed under this section, and the specific action he intends to take, and the failure of such board or boards to take steps in accordance with the advice of the Attorney General within 30 days of receipt of such advice, promulgate

substantive rules and regulations consistent with the provisions of any statute governing the activities of any licensing agency, board or committee located within the Division of Consumer Affairs, which shall be limited to disciplinary matters and arbitrary restrictions on initial licensure. In addition to promulgating such rules and regulations, the Attorney General may direct that any proposed or existing regulation be amended, abandoned or repealed. Prior to the final adoption of any regulation affecting the activities of any professional or occupational licensing agency, board or committee located within the division and prior to the issuance of any directive to amend, abandon or repeal any regulation, the Attorney General or his designee shall first consult with the agency, board or committee whose activities are affected regarding the proposed action.

c. After a full consideration of all relevant facts and the applicable law, may direct the initiation of any appropriate enforcement action by a professional or occupational licensing board or set aside, modify or amend, as may be necessary, any action or decision of a licensing agency, board or committee located within the Division of Consumer Affairs; provided, however, no such action shall be directed by the Attorney General in reviewing the action or decision of an agency, board or committee unless such action or decision is contrary to applicable law.

#### **45:1-18. Investigative powers of boards, director or attorney general**

Whenever it shall appear to any board, the director or the Attorney General that a person has engaged in, or is engaging in any act or practice declared unlawful by a statute or regulation administered by such board, or when the board, the director or the Attorney General shall deem it to be in the public interest to inquire whether any such violation may exist, the board or the director through the Attorney General, or the Attorney General acting independently, may exercise any of the following investigative powers:

a. Require any person to file on such form as may be prescribed, a statement or report in writing under oath, or otherwise, as to the facts and circumstances concerning the rendition of any service or conduct of any sale incidental to the discharge of any act or practice subject to an act or regulation administered by the board;

b. Examine under oath any person in connection with any act or practice subject to an act or regulation administered by the board;

c. Inspect any premises from which a practice or activity subject to an act or regulation administered by the board is conducted;

d. Examine any goods, ware or item used in the rendition of a practice or activity subject to an act or regulation administered by the board;

e. Examine any record, book, document, account or paper prepared or maintained by or for any professional or occupational licensee in the regular course of practicing such profession or engaging in such occupation or any individual engaging in practices subject to an act or regulation administered by the board. Nothing in this subsection shall require the notification or consent of the person to whom the record, book, account or paper pertains, unless otherwise required by law;

f. For the purpose of preserving evidence of an unlawful act or practice, pursuant to an order of the Superior Court, impound any record, book, document, account, paper, goods, ware, or item used,

prepared or maintained by or for any board licensee in the regular course of practicing such profession or engaging in such occupation or any individual engaging in a practice or activity subject to an act or regulation administered by the board. In such cases as may be necessary, the Superior Court may, on application of the Attorney General, issue an order sealing items or material subject to this subsection; and

g. Require any board licensee, permit holder or registered or certified person to submit to an assessment of skills to determine whether the board licensee, permit holder or registered or certified person can continue to practice with reasonable skill and safety.

In order to accomplish the objectives of this act or any act or regulation administered by a board, the Attorney General may hold such investigative hearings as may be necessary and the board, director or Attorney General may issue subpoenas to compel the attendance of any person or the production of books, records or papers at any such hearing or inquiry.

**45:1-19. Failure or refusal to file statement or report, refusal of access to premises or failure to obey subpoena; penalty**

If any person shall fail or refuse to file any statement or report or refuse access to premises from which a licensed profession or occupation is conducted in any lawfully conducted investigative matter or fail to obey a subpoena issued pursuant to this act, the Attorney General may apply to the Superior Court and obtain an order:

- a. Adjudging such person in contempt of court; or
- b. Granting such other relief as may be required; or
- c. Suspending the license of any such person unless and until compliance with the subpoena or investigative demand is effected.

**45:1-20. Compelling testimony or production of book, paper or document; immunity from prosecution**

If any person shall refuse to testify or produce any book, paper, or other document in any proceeding under this act for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him, convict him of a crime, or subject him to a penalty or forfeiture, and shall, notwithstanding, be directed to testify or to produce such book, paper, or document by the Attorney General, he shall comply with such direction.

A person who is entitled by law to, and does assert such privilege, and who complies with such direction of the Attorney General shall not thereafter be prosecuted or subjected to any penalty or forfeiture in any criminal proceeding which arises out of and relates to the subject matter of the proceeding. No person so testifying shall be exempt from prosecution or punishment for perjury or false swearing committed by him in giving such testimony or from any civil or administrative action arising from such testimony.

**45:1-21. Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions**

A board may refuse to admit a person to an examination or may refuse to issue or may suspend or revoke any certificate, registration or license issued by the board upon proof that the applicant or holder of such certificate, registration or license:

- a. Has obtained a certificate, registration, license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation;
- b. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
- c. Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;
- d. Has engaged in repeated acts of negligence, malpractice or incompetence;
- e. Has engaged in professional or occupational misconduct as may be determined by the board;
- f. Has been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to the activity regulated by the board. For the purpose of this subsection a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;
- g. Has had his authority to engage in the activity regulated by the board revoked or suspended by any other state, agency or authority for reasons consistent with this section;
- h. Has violated or failed to comply with the provisions of any act or regulation administered by the board;
- i. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;
- j. Has repeatedly failed to submit completed applications, or parts of, or documentation submitted in conjunction with, such applications, required to be filed with the Department of Environmental Protection;
- k. Has violated any provision of P.L.1983, c. 320 (C.17:33A-1 et seq.) or any insurance fraud prevention law or act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of P.L.1983, c. 320 (C.17:33A-1 et seq.) or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties under that act against the applicant or holder;
- l. Is presently engaged in drug or alcohol use that is likely to impair the ability to practice the profession or occupation with reasonable skill and safety. For purposes of this subsection, the term "presently" means at this time or any time within the previous 365 days;

- m. Has prescribed or dispensed controlled dangerous substances indiscriminately or without good cause, or where the applicant or holder knew or should have known that the substances were to be used for unauthorized consumption or distribution;
- n. Has permitted an unlicensed person or entity to perform an act for which a license or certificate of registration or certification is required by the board, or aided and abetted an unlicensed person or entity in performing such an act;
- o. Advertised fraudulently in any manner.

For purposes of this act:

“Completed application” means the submission of all of the information designated on the checklist, adopted pursuant to section 1 of P.L.1991, c. 421 (C.13:1D-101), for the class or category of permit for which application is made.

“Permit” has the same meaning as defined in section 1 of P.L.1991, c. 421 (C.13:1D-101).

#### **45:1-21.1. Annual summary of compliance information and attendance at continuing education seminars; costs; information deemed public records**

- a. A board obtaining information from the Department of Environmental Protection pursuant to section 1 of P.L.1991, c. 418 (C. 13:1D-110) on the compliance of a member of a regulated profession with the requirements for completed applications of the department, shall annually develop a detailed written summary of the information gathered by the department pursuant to P.L.1991, c. 418 (C. 13:1D-110) regarding compliance with the department’s requirements for completed applications and attendance records for continuing education seminars required to be filed with the department pursuant to section 2 of P.L.1991, c. 419 (C. 13:1D-117).
- b. Any reasonable costs incurred in preparation of the report required pursuant to this section may be included in the charges authorized pursuant to P.L.1974, c. 46 (C. 45:1-3.2).
- c. Information required to be compiled by a board pursuant to this section, shall be deemed to be public records subject to the requirements of P.L.1963, c. 73 (C. 47:1A-1 et seq.).

#### **45:1-21.2. Suspension of certain licenses; hearing**

The director or a board shall suspend, as appropriate, after a hearing, the license, registration or certification of any person who has been certified by a lender or guarantor and reported to the director or the board, as the case may be, for nonpayment or default of a State or federal direct or guaranteed educational loan. The license, registration or certification shall not be reissued until the person provides the director or board with a written release issued by the lender or guarantor stating that the person has cured the default or is making payments on the loan in accordance with a repayment agreement approved by the lender or guarantor. If the person has continued to meet all other requirements for licensure, registration or certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director or the board may impose.



**45:1-22. Additional or alternative penalties to revocation, suspension or refusal to renew; temporary order suspending or limiting license; subpena**

In addition or as an alternative, as the case may be, to revoking, suspending or refusing to renew any license, registration or certificate issued by it, a board may, after affording an opportunity to be heard:

- a. Issue a letter of warning, reprimand, or censure with regard to any act, conduct or practice which in the judgment of the board upon consideration of all relevant facts and circumstances does not warrant the initiation of formal action;
- b. Assess civil penalties in accordance with this act;
- c. Order that any person violating any provision of an act or regulation administered by such board to cease and desist from future violations thereof or to take such affirmative corrective action as may be necessary with regard to any act or practice found unlawful by the board;
- d. Order any person found to have violated any provision of an act or regulation administered by such board to restore to any person aggrieved by an unlawful act or practice, any moneys or property, real or personal, acquired by means of such act or practice; provided, however, no board shall order restoration in a dollar amount greater than those moneys received by a licensee or his agent or any other person violating the act or regulation administered by the board;
- e. Order any person, as a condition for continued, reinstated or renewed licensure, to secure medical or such other professional treatment as may be necessary to properly discharge licensee functions;
- f. Order any person, as a condition for continued, reinstated or renewed licensure, to submit to any medical or diagnostic testing and monitoring or psychological evaluation which may be required to evaluate whether continued practice may jeopardize the safety and welfare of the public;
- g. Order any person, as a condition for continued, reinstated or renewed licensure, to submit to an assessment of skills to determine whether the licensee can continue to practice with reasonable skill and safety, and to take and successfully complete educational training determined by the board to be necessary;
- h. Order any person, as a condition for continued, reinstated or renewed licensure, to submit to an assessment of skills to determine whether the licensee can continue to practice with reasonable skill and safety, and to submit to any supervision, monitoring or limitation on practice determined by the board to be necessary.

A board may, upon a duly verified application of the Attorney General that either provides proof of a conviction of a court of competent jurisdiction for a crime or offense involving moral turpitude or relating adversely to the regulated profession or occupation, or alleges an act or practice violating any provision of an act or regulation administered by such board, enter a temporary order suspending or limiting any license issued by the board pending plenary hearing on an administrative complaint; provided, however, no such temporary order shall be entered unless the application made to the board palpably demonstrates a clear and imminent danger to the public health, safety and welfare and notice of such application is given to the licensee affected by such order. If, upon review of the

Attorney General's application, the board determines that, although no palpable demonstration of a clear and imminent danger has been made, the licensee's continued unrestricted practice pending plenary hearing may pose a risk to the public health, safety and welfare, the board may order the licensee to submit to medical or diagnostic testing and monitoring, or psychological evaluation, or an assessment of skills to determine whether the licensee can continue to practice with reasonable skill and safety.

In any administrative proceeding commenced on a complaint alleging a violation of an act or regulation administered by a board, such board may issue subpoenas to compel the attendance of witnesses or the production of books, records, or documents at the hearing on the complaint.

#### **45:1-23. Summary proceeding in Superior Court; injunction; orders necessary to prevent unlawful practice or remedy past unlawful activity**

Whenever it shall appear to a board, the director or the Attorney General that a violation of any act, including the unlicensed practice of the regulated profession or occupation, or regulation administered by such board has occurred, is occurring, or will occur, the Attorney General, in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in the Superior Court an injunction prohibiting such act or practice. In any such proceeding the court may assess a civil penalty in accordance with the provisions of this act, order restoration to any person in interest of any moneys or property, real or personal, acquired by means of an unlawful act or practice and may enter such orders as may be necessary to prevent the performance of an unlawful practice in the future and to fully remedy any past unlawful activity. In any action brought pursuant to this section, the court shall not suspend or revoke any license issued by a board.

#### **45:1-24. Failure to comply with order of board directing payment of penalties or restoration of moneys or property; enforcement**

Upon the failure of any person to comply within 10 days after service of any order of a board directing payment of penalties or restoration of moneys or property, the Attorney General or the secretary of such board may issue a certificate to the Clerk of the Superior Court that such person is indebted to the State for the payment of such penalty and the moneys or property ordered restored. A copy of such certificate shall be served upon the person against whom the order was entered. Thereupon the clerk shall immediately enter upon his record of docketed judgments the name of the person so indebted and of the State, a designation of the statute under which the penalty is imposed, the amount of the penalty imposed, and amount of moneys ordered restored, a listing of property ordered restored, and the date of the certification. Such entry shall have the same force and effect as the entry of a docketed judgment in the Superior Court, and the Attorney General shall have all rights and remedies of a judgment creditor in addition to exercising any other available remedies. Such entry, however, shall be without prejudice to the right of appeal to the Appellate Division of the Superior Court from the board's order.

An action to enforce the provisions of any order entered by a board or to collect any penalty levied thereby may be brought in any municipal court or the Superior Court in summary manner pursuant to the Penalty Enforcement Act, (N.J.S. 2A:58-1 et seq.) and the rules of court governing the collection of civil penalties. Process in such action shall be by summons or warrant, and in the event that the defendant fails to answer such action, the court shall issue a warrant for the defendant's arrest for the purpose of bringing such person before the court to satisfy any order entered.

**45:1-25. Violations; civil penalty; action to collect or enforce**

a. Any person who engages in any conduct in violation of any provision of an act or regulation administered by a board shall, in addition to any other sanctions provided herein, be liable to a civil penalty of not more than \$10,000 for the first violation and not more than \$20,000 for the second and each subsequent violation. For the purpose of construing this section, each act in violation of any provision of an act or regulation administered by a board shall constitute a separate violation and shall be deemed a second or subsequent violation under the following circumstances:

- (1) an administrative or court order has been entered in a prior, separate and independent proceeding;
- (2) the person is found within a single proceeding to have committed more than one violation of any provision of an act or regulation administered by a board; or
- (3) the person is found within a single proceeding to have committed separate violations of any provision of more than one act or regulation administered by a board.

b. In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action in the name of any board for the collection or enforcement of civil penalties for the violation of any provision of an act or regulation administered by such board. Such action may be brought in summary manner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.) and the rules of court governing actions for the collection of civil penalties in the municipal court where the offense occurred. Process in such action may be by summons or warrant and in the event that the defendant in such action fails to answer such action, the court shall, upon finding an unlawful act or practice to have been committed by the defendant, issue a warrant for the defendant's arrest in order to bring such person before the court to satisfy the civil penalties imposed. In any action commenced pursuant to this section, the court may order restored to any person in interest any moneys or property acquired by means of an unlawful act or practice.

c. Any action alleging the unlicensed practice of a profession or occupation shall be brought pursuant to this section or, where injunctive relief is sought, by an action commenced in the Superior Court.

d. In any action brought pursuant to this act, a board or the court may order the payment of costs for the use of the State, including, but not limited to, costs of investigation, expert witness fees and costs, attorney fees and costs, and transcript costs.

**45:1-26. Repeal of inconsistent acts and parts of acts**

All acts and parts of acts inconsistent with this act are hereby superseded and repealed.

**45:1-27. Severability**

If any provision of this law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the law which can be given effect without the invalid provision or application, and to this end the provisions of this law are severable.

## **CHAPTER 15BB. SOCIAL WORKERS**

### **45:15BB-1. Short title**

This act shall be known and may be cited as the “Social Workers’ Licensing Act of 1991.”

L.1991, c. 134, § 1, eff. May 6, 1991.

### **45:15BB-2. Legislative declarations**

The Legislature declares that the profession of social work profoundly affects the lives of the people of New Jersey. The Legislature further declares that this act is intended to protect the people of New Jersey by setting standards of qualification, education, training and experience for those persons seeking to practice and be certified or licensed as social workers and by promoting high standards of professional performance for those presently practicing as social workers and for those who will be certified or licensed to practice social work in this State.

L.1991, c. 134, § 2, eff. May 6, 1991.

### **45:15BB-3. Definitions**

As used in this act:

“Board” means the State Board of Social Work Examiners, established in section 10 of this act.<sup>1</sup>

“Certified social worker” means a person who holds a current, valid certificate issued pursuant to subsection c. of section 6 or subsection c. of section 8 of this act.<sup>2</sup>

“Clinical social work” means the professional application of social work methods and values in the assessment and psychotherapeutic counseling of individuals, families, or groups. Clinical social work services shall include, but shall not be limited to: assessment; psychotherapy; client-centered advocacy; and consultation.

“Director” means the Director of the Division of Consumer Affairs.

“Licensed clinical social worker” means a person who holds a current, valid license issued pursuant to subsection a. of section 6 or subsection a. or d. of section 8 of this act.

“Licensed social worker” means a person who holds a current, valid license issued pursuant to subsection b. of section 6 or subsection b. of section 8 of this act.

“Psychotherapeutic counseling” means the ongoing interaction between a social worker and an individual, family or group for the purpose of helping to resolve symptoms of mental disorder, psychosocial stress, relationship problems or difficulties in coping with the social environment, through the practice of psychotherapy.

“Social work” means the activity directed at enhancing, protecting or restoring a person’s capacity for social functioning, whether impaired by physical, environmental, or emotional factors. The practice of social work shall include, but shall not be limited to: policy and administration; clinical social work; social work counseling; planning and community organization; social work education; and research.

“Social work counseling” means the professional application of social work methods and values in advising and providing guidance to individuals, families or groups for the purpose of enhancing, protecting or restoring the capacity for coping with the social environment, exclusive of the practice of psychotherapy.

“Supervision” means the direct review of a supervisee for the purpose of teaching, training, administration, accountability or clinical review by a supervisor in the same area of specialized practice.

<sup>1</sup>N.J.S.A. § 45:15BB-10.

<sup>2</sup>N.J.S.A. § 45:15BB-6 or N.J.S.A. § 45:15BB-8.

#### **45:15BB-4. License or certificate required to practice as a certified or licensed social worker**

a. No person shall engage in the practice of social work as a certified or licensed social worker or present, call or represent himself as a certified or licensed social worker unless certified or licensed under this act.

b. No person shall assume, represent himself as, or use the title or designation “social worker,” “licensed clinical social worker,” “licensed social worker,” “certified social worker,” “medical social worker,” “social work technician” or any other title or designation which includes the words “social worker” or “social work,” or any of the abbreviations “SW,” “LCSW,” “LSW,” “CSW,” “SWT” or similar abbreviations, unless certified or licensed under this act, and unless the title or designation corresponds to the certification or license held by the person pursuant to this act.

c. No person shall engage in the independent practice of clinical social work for a fee unless the person is licensed under this act as a licensed clinical social worker.

d. No certified social worker shall practice clinical social work and a licensed social worker may only practice clinical social work under the supervision of a licensed clinical social worker.

#### **45:15BB-5. Exemptions from licensing and certification requirements**

The provisions of this act shall not apply to the following persons:

a. A person authorized by the laws of this State to practice medicine and surgery, psychology, marriage counseling, chiropractic, acupuncture, physical therapy, occupational therapy, speech pathology and audiology, nursing or any other profession licensed by the State, when acting within the scope of the person’s profession or occupation and doing work of a nature consistent with the person’s training, if the person does not hold himself out to the public as possessing a license or certificate issued pursuant to this act;

b. A student enrolled in an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education, if the student is practicing as part of a supervised course of study and is clearly designated by the title “social work intern;”

c. A person certified as a school social worker by the State Department of Education, but only in the course of this employment and only when designated by the title “school social worker” when performing services on behalf of a local school district to students for whom the school district is responsible to provide services;

d. A rabbi, priest, minister, Christian Science practitioner or clergyman of any religious denomination or sect, when engaging in activities, which are within the scope of the performance of the person’s regular or specialized ministerial duties and for which no separate charge is made, or when these activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering services remains accountable to the established authority thereof;

e. A person engaged in the practice of alcohol or drug abuse intervention, prevention, or treatment if the person does not advertise or use any title, name, or description, the use of which is restricted by section 4 of this act;<sup>1</sup>

f. An employee of the State or a political subdivision thereof which is subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes, but only in the course of this employment;

g. An employee of a nonprofit organization with a master’s degree in a mental health discipline other than social work, who performs psychotherapeutic counseling under the supervision of a licensed clinical social worker or other State-licensed mental health professional; and

h. An employee or volunteer of a nonprofit organization who performs any social work service other than psychotherapeutic counseling, but only in the course of this employment or volunteer activity, and if the person does not advertise or use any title or name the use of which is restricted by section 4 of P.L.1991, c. 134 (C.45:15BB-4).

<sup>1</sup>N.J.S.A. § 45:15BB-4.

**B-6. Qualifications for licensing or certification as a clinical social worker or social worker; educational and experiential requirements; examination**

a. The board shall issue a license as a “licensed clinical social worker” to an applicant who has:

(1) Received a master’s degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education, or a doctorate in social work from an accredited institution of higher education;

(2) Had at least two years of full-time experience in the practice of clinical social work under the supervision of a clinical social worker licensed by this State or who, by virtue of the supervisor’s education and experience, is eligible for licensure in this State as a licensed clinical social worker, or any other supervisor who may be deemed acceptable to the board;

(3) Satisfactorily completed minimum course requirements established by the board to ensure adequate training in methods of clinical social work practice; and

(4) Passed an appropriate examination provided by the board for this purpose.

b. The board shall issue a license as a “licensed social worker” to an applicant who has:

(1) Received a master’s degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education or a doctorate in social work from an accredited institution of higher education; and

(2) Passed an appropriate examination provided by the board for this purpose.

c. The board shall certify an applicant who has:

(1) received a baccalaureate degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or

(2) on or before the effective date of this act, acquired a baccalaureate degree in a field related to human services from an accredited institution of higher education and has engaged in full-time social work for at least one year prior to the effective date of P.L.1995, c. 66.

#### **45:15BB-7. Applicants licensed or registered in other jurisdictions**

An applicant may be exempted from the requirement of taking and passing any examination provided for in this act if the applicant satisfies the board that the applicant is licensed or registered under the laws of a state, territory or jurisdiction of the United States, which in the opinion of the board imposes substantially the same educational and experiential requirements as this act, and, pursuant to the laws of the state, territory, or jurisdiction, has taken and passed an examination similar to that from which exemption is sought.

#### **45:15BB-8. Licensure without examination; educational and experiential requirements**

a. For 180 days after the date procedures are established by the board for applying for licensure under subsection a. of section 6 of this act,<sup>1</sup> any person who engaged in full-time clinical social work for three of the last five years immediately preceding the enactment date of this act, including clinical social work in a career service in civil service or social work certified by the State Department of Education, and who meets the educational and experiential requirements set forth in subsection a. of section 6 of this act, may acquire a license as a licensed clinical social worker without sitting for a board approved examination.

b. For 180 days after the date procedures are established by the board for applying for licensure under subsection b. of section 6 of this act, any person who engaged in full-time social work for three of the last five years immediately preceding the enactment date of this act, including social work in a career service in civil service or social work certified by the State Department of Education, and who meets the educational requirements set forth in subsection b. of section 6 of this act, may acquire a license as a licensed social worker without sitting for a board approved examination.

c. For 180 days after the date procedures are established by the board for applying for certification under subsection c. of section 6 of this act, any person who engaged in full-time social work for two of the last five years immediately preceding the enactment date of this act, including social work in career service in civil service or social work certified by the State Department of Education, may acquire a certificate as a certified social worker without proof to the board that the person has met the educational criteria set forth in subsection c. of section 6 of this act.

d. For 180 days after the date procedures are established by the board for applying for licensure under section 6 of this act, any person who does not meet the educational and experiential requirements set forth in subsection a. of section 6 of this act may acquire a license as a licensed clinical social worker without sitting for a board approved examination if the applicant: (1) has a baccalaureate degree in social work or in a closely related field from an accredited institution of higher education; (2) has at least 20 years of professional experience of which at least 10 have been in the full-time practice of social work; and (3) is a certified school social worker and a certified instructor in parent effectiveness training, has a background and experience in medical social work, has worked for the State as a caseworker dealing with youth and family services, has experience and training in crisis intervention, and is recognized by the courts in the State as a qualified expert witness as a social worker.

<sup>1</sup>N.J.S.A. § 45:15BB-6.

#### **45:15BB-9. Renewal of license; requirements**

a. In addition to any other requirements for licensure or certification, at the time of renewal an applicant shall execute and submit a sworn statement made on a form provided by the board that the certification or license for which renewal is sought has not been revoked, suspended or not renewed by the board or any other jurisdiction.

b. Each applicant shall present satisfactory evidence when seeking certification or license renewal that in the period since the certificate or license was issued or last renewed any continuing education requirements have been completed as specified by the board.

#### **45:15BB-10. State Board of Social Work Examiners; members; terms; removal**

There is created within the Division of Consumer Affairs in the Department of Law and Public Safety the State Board of Social Work Examiners. The board shall consist of nine members who are residents of the State, two of whom shall be public members appointed pursuant to the provisions of subsection b. of section 2 of P.L.1971, c. 60 (C. 45:1-2.2) and one of whom shall be the Commissioner of Human Services, or his designee, appointed in fulfillment of the requirement of subsection c. of that section. Of the six remaining members, three shall have been actively engaged in the practice of social work for at least five years immediately preceding their appointment, and, except for the members first appointed, one shall be a licensed clinical social worker, one shall be a licensed social worker, and one shall be a certified social worker pursuant to this act. Of the three remaining members, two shall be social work educators, one of whom shall represent a baccalaureate level program and one of whom shall represent a master's level program; and one shall be a social worker with a doctorate level degree, and, all of whom, except for the members first appointed, shall be licensed or certified pursuant to this act.



The Governor shall appoint each member, other than the State executive department member, for terms of three years, except that of the social worker members first appointed, two shall serve for a term of three years, two shall serve for terms of two years and two shall serve for terms of one year. Any vacancy in the membership shall be filled for the unexpired term in the manner provided by the original appointment. No member of the board may serve more than two successive terms in addition to any unexpired term to which he has been appointed. The Governor may remove any member of the board, other than the State executive department member, for cause.

#### **45:15BB-11. Powers and duties of board**

The board shall, in addition to such other powers and duties as it may possess by law:

- a. Administer the provisions of this act;
- b. Examine and pass on the qualifications of all applicants for license or certification under this act, and issue a license or certificate to each qualified successful applicant, therefor attesting to the applicant's professional qualification to practice as a certified social worker, as a licensed social worker or as a licensed clinical social worker;
- c. Examine, evaluate and supervise all examinations and procedures;
- d. Adopt a seal which shall be affixed to all licenses and certificates issued by it;
- e. Adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.) as it may deem necessary to enable it to perform its duties under and to enforce the provisions of this act;
- f. Adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.) that set professional practice standards for licensed clinical social workers in the independent practice of clinical social work for a fee;
- g. Annually publish a list of the names and addresses of all persons who are licensed or certified under this act as licensed clinical, licensed or certified social workers, as the case may be;
- h. Establish standards for the continuing education of social workers; and
- i. Prescribe or change the charges for examinations, certifications, licensures, renewals and other services performed pursuant to P.L.1974, c. 46 (C.45:1-3.1 et seq.).

#### **45:15BB-12. Executive Director of board; salary**

The Executive Director of the board shall be appointed by the director and shall serve at the director's pleasure. The salary of the Executive Director shall be determined by the director within the limits of available funds. The director shall be empowered within the limits of available funds to hire any assistants as are necessary to administer this act.

#### **45:15BB-13. Disclosure of confidential client or patient information**

A social worker licensed or certified pursuant to the provisions of this act shall not be required to disclose any confidential information that the social worker may have acquired from a client or patient while performing social work services for that client or patient unless:

- a. Disclosure is required by other State law;
- b. Failure to disclose the information presents a clear and present danger to the health or safety of an individual;
- c. The social worker is a party defendant to a civil, criminal or disciplinary action arising from the social work services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action;
- d. The patient or client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses on that person's behalf; or
- e. A patient or client agrees to waive the privilege accorded by this section, and, in circumstances where more than one person in a family is receiving social work services, each such member agrees to the waiver. Absent a waiver from each family member, a social worker shall not disclose any information received from any family member.

### **NEW JERSEY ADMINISTRATIVE CODE**

#### **CHAPTER 44G. STATE BOARD OF SOCIAL WORK EXAMINERS**

##### **SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS**

##### **13:44G-1.1 Purpose and scope**

- (a) The rules contained in this chapter implement the provisions of the Social Workers' Licensing Act of 1991, P.L. 1991, c.134, and regulate the profession of social work within the State of New Jersey.
- (b) This chapter shall apply to any individual licensed or certified by the State Board of Social Work Examiners, regardless of the setting where the individual is working.
- (c) This chapter shall not apply to those individuals exempt from the provisions of the Act pursuant to N.J.S.A. 45:15BB-5.

##### **13:44G-1.2 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“ASWB” means Association of Social Work Boards.

“Clinical social work” means the professional application of social work methods and values in the assessment and psychotherapeutic counseling of individuals, families, or groups.

“Clinical social work services” means social work services which may be performed only by a LCSW or a LSW under supervision pursuant to N.J.A.C. 13:44G-8. Clinical social work services include, but are not limited to, the following:

1. Clinical assessment, defined as the process of evaluation in which a LCSW or a LSW conducts a differential, individualized and accurate identification of the psychosocial/ behavioral problems existing in the life of the individual client, the family or group for the purpose of establishing a plan to implement a course of psychotherapeutic counseling. A clinical social work assessment includes, but is not limited to, a mental status examination and a psychosocial history. The clinical social worker may utilize currently accepted diagnostic classifications including, but not limited to, the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders, as amended and supplemented.

2. Clinical consultation, defined as ongoing case discussion and evaluation focusing on, but not limited to, clinical social work data, clinical goals and treatment plans for the implementation of psychotherapeutic counseling with individuals, groups and families. Clinical consultation may also include intervention with appropriate individuals and entities;

3. Psychotherapeutic counseling, defined as ongoing interaction between a social worker and an individual, family or group for the purpose of helping to resolve symptoms of mental disorder, psychosocial stress, relationship problems or difficulties in coping with the social environment;

4. Client centered advocacy, defined as the service in which, as part of the psychotherapeutic process, the social worker functions on behalf of individuals, families or groups to bring about or influence change to improve the quality of life, enhance empowerment and assure the basic rights of the client; and

5. Clinical supervision of individuals pursuant to the standards set forth in N.J.A.C. 13:44G-8.1.

“CSW” means certified social worker.

“LCSW” means licensed clinical social worker.

“LSW” means licensed social worker.

“Social work” means the activity directed at enhancing, protecting or restoring a person’s capacity for social functioning, whether impaired by physical, environmental, or emotional factors.

“Social work services” means services which may be performed only by a Board licensee or certificate holder. Social work services include, but are not limited to, the following:

1. “Social work assessment,” defined as identifying problems and gathering sufficient information to make referrals and to determine and implement a plan of social care and action;
2. “Social work counseling,” defined as the professional application of social work methods and values in advising and providing guidance to individuals, families or groups for the purpose of

enhancing, protecting or restoring the capacity for coping with the social environment, exclusive of the practice of psychotherapy and includes giving advice, delineating alternatives, helping to articulate goals and providing needed information.

3. “Social work consultation,” defined as discussion and evaluation focusing on data, goals and objectives, including intervention with individuals, agencies, businesses, organizations, groups and communities for purposes of problem solving;

4. “Social work planning,” defined as specifying future objectives, evaluating the means for achieving them, including identifying appropriate resources, and making deliberate choices about appropriate courses of action in order to enhance social well-being;

5. “Social work community organization,” defined as the process of social interaction and the method of social work concerned with meeting broad needs and bringing about and maintaining adjustment between needs and resources in a community or other areas; helping people to deal more effectively with their problems and objectives by helping them develop, strengthen and maintain qualities of participation, self-direction and cooperation; and bringing about changes in community and group relationships and in the distribution of decision-making power. The community which is the primary client may be an organization, neighborhood, city, county, state or national entity;

6. “Social work policy,” defined as the practice concerned primarily with translating laws, technical knowledge and administrative rulings into organizational goals and operational policies to guide organizational behavior; designing organizational structure and procedures or processes through which social work goals can be achieved; securing resources in the form of material, staff and clients; and obtaining the public support necessary for attaining social work goals;

7. “Social work administration,” defined as applying specialized social work knowledge, skills and techniques to the coordinated totality of activities in a social welfare organization in order to transform policies into services; also, a method of practice by which the social worker plans, assigns, coordinates, evaluates and mediates the interdependent tasks, functions, personnel, and activities that are called upon to achieve the mission of the organization;

8. “Social work research,” defined as the formal organization and the methodology of data collection and the analysis and evaluation of data; and

9. “Social work client-centered advocacy,” defined as the service in which the social worker functions on behalf of individual clients, groups, or other entities including, but not limited to, social work and governmental agencies, and specific issues related to those organizations. The purpose of client centered advocacy is to bring about or influence change to improve the quality of life, enhance empowerment and assure the basic rights of the entity or individual being served by the social worker.

### **13:44G-1.3 Persons requiring licensure; persons requiring certification**

Unless exempted from licensure or certification pursuant to N.J.S.A. 45:15BB-5, a person whose activities are within the scope of practice of N.J.A.C. 13:44G-3.1 is required to be licensed as a clinical social worker; a person whose activities are within the scope of practice of N.J.A.C. 13:44G-3.2 is required to be licensed as a social worker; and a person whose activities are within the scope of practice of N.J.A.C. 13:44G-3.3 is required to be certified as a social worker.

## **SUBCHAPTER 2. AGENCY ORGANIZATION AND ADMINISTRATION**

### **13:44G-2.1 Description of the Board**

The State Board of Social Work Examiners, created in the Division of Consumer Affairs, Department of Law and Public Safety, is constituted under N.J.S.A. 45:15BB-1 et seq.

### **13:44G-2.2 Office location and mailing address**

The offices of the Board are located at 124 Halsey Street, Newark, New Jersey 07102. The mailing address of the Board is Post Office Box 45033, Newark, New Jersey 07101.

## **SUBCHAPTER 3. AUTHORIZED PRACTICE**

### **13:44G-3.1 Practice as a LCSW; scope**

(a) The scope of practice of a LCSW includes, but is not limited to:

1. Clinical social work services. Clinical social work services include, but are not limited to, clinical assessment, clinical consultation, psychotherapeutic counseling, client centered advocacy, and clinical supervision of individuals pursuant to the standards set forth in N.J.A.C. 13:44G-8.1. These terms are more specifically defined in N.J.A.C. 13:44G-1.2; and

2. Social work services. Social work services include, but are not limited to, social work assessment, social work consultation, social work counseling, social work planning, social work community organization, social work policy, social work administration, social work research, and social work client-centered advocacy. These terms are more specifically defined in N.J.A.C. 13:44G-1.2.

### **13:44G-3.2 Practice as a LSW; scope**

(a) The scope of practice of a LSW includes, but is not limited to:

1. Social work services. Social work services include, but are not limited to, social work assessment, social work counseling, social work consultation, social work planning, social work community organization, social work policy, social work administration, social work research, and social work client-centered advocacy. These terms are more specifically defined in N.J.A.C. 13:44G-1.2; and

2. Clinical social work services, under the supervision of a LCSW or other supervisor acceptable to the Board pursuant to the clinical supervision standards set forth in N.J.A.C. 13:44G-8.1. Clinical social work services include, but are not limited to, clinical assessment, clinical consultation,

psychotherapeutic counseling and client centered advocacy. A LSW may not, however, provide clinical supervision. These terms are more specifically defined in N.J.A.C. 13:44G-1.2.

### **13:44G-3.3 Practice as a CSW; scope**

(a) The scope of practice of a CSW includes, but is not limited to, social work services. Social work services include, but are not limited to, social work assessment, social work consultation, social work counseling, social work planning, social work community organization, social work policy, social work administration, social work research, and social work client-centered advocacy. These terms are more specifically defined in N.J.A.C. 13:44G-1.2.

(b) A CSW shall not engage in clinical social work services.

## **SUBCHAPTER 4. APPLICANT QUALIFICATIONS; BOARD-APPROVED EXAMINATION; ENDORSEMENT**

### **13:44G-4.1 Eligibility requirements; LCSW**

(a) For purposes of this section, “two years of full-time clinical social work” means 1,920 hours of face-to-face client contact within any three consecutive year period subsequent to earning a master’s degree in social work under direct supervision pursuant to the standards set forth in N.J.A.C. 13:44G-8.1.

(b) An applicant for licensure as a LCSW shall submit the following, on forms provided by the Board.

1. A completed application form, which requests information concerning the applicant’s educational and experiential background;
2. The application fee set forth in N.J.A.C. 13:44G-14.1;
3. An official transcript indicating that the applicant:
  - i. Received a master’s degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or a doctorate degree in social work from an accredited institution of higher education;
  - ii. Completed 12 semester hours of graduate level course work in methods of clinical social work practice, exclusive of field placement, from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education. The applicant shall obtain 12 credits in any of the following areas of study:
    - (1) Human behavior and the social environment;
    - (2) Diagnosis and assessment in social work practice;

(3) Models of psychotherapy or clinical practice (for example, psychodynamic, behavioral, cognitive therapies, task-centered, psychosocial, crisis intervention approaches, etc.);

(4) Clinical supervision and consultation; and/or

(5) Intervention with special populations;

4. A supervisor's certification indicating that the applicant has acquired two years of satisfactory full-time clinical social work experience under supervision within a period of not less than two, and not more than three consecutive years. In the event that the applicant is unable to provide a supervisor's certification, the applicant shall submit to the Board an affidavit explaining the reason(s) why the applicant is not able to obtain the supervisor's certification;

5. Proof that the applicant has successfully completed the clinical examination administered by the ASWB; and

6. Proof that the applicant was a LSW at the time that the experience in (a) above was acquired, or proof that the applicant engaged in social work practice in a setting in which licensure is not required pursuant to N.J.S.A. 45:15BB-5.

#### **13:44G-4.2 Eligibility requirements; LSW**

(a) An applicant for licensure as a LSW shall submit the following, on forms provided by the Board:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:44G-14.1;

3. An official transcript indicating that the applicant has received a master's degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or a doctorate in social work from an accredited institution of higher education; and

4. Proof of successful completion of the intermediate examination administered by the American Association of State Social Work Boards.

i. An applicant pursuing a master's degree in social work and enrolled in the last semester of an educational program accredited or in candidacy for accreditation by the Council on Social Work Education is eligible to take the intermediate examination.

#### **13:44G-4.3 Eligibility requirements; CSW**

(a) An applicant for certification as a CSW shall submit the following, on forms provided by the Board:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:44G-14.1; and

3. The following documents:

i. An official transcript indicating that the applicant has received a baccalaureate degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or

ii. An official transcript indicating that the applicant acquired a baccalaureate degree prior to April 6, 1995, from an accredited institution of higher education in one of the following fields: Guidance and Counseling, Human Services, Marriage and Family Counseling, Psychology, Sociology, Vocational/Disability Rehabilitation, and Social Work (from institutions not accredited, or in candidacy for accreditation, by the Council on Social Work Education) and an affidavit or other form as the Board may require attesting to the applicant having acquired one year of full-time social work experience (1,600 hours in any consecutive 18-month period) prior to April 6, 1995.

#### **13:44G-4.4 Refusal to issue, suspension or revocation of license or certification**

The Board may refuse to issue or renew or may suspend or revoke any license or certification issued by the Board, after an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., for any of the reasons set forth in N.J.S.A. 45:1-21.

#### **13:44G-4.5 Endorsement**

(a) An applicant who is licensed or registered under the laws of a state, territory or jurisdiction of the United States and who otherwise meets the requirements of N.J.A.C. 13:44G-4.1 and 4.2 may be exempted from the examination requirements of N.J.A.C. 13:44G-4.1 and 4.2 provided that:

1. The educational and experiential requirements of the state, territory or jurisdiction are substantially the same as the requirements of N.J.S.A. 45:15BB-1 et seq.; and

2. The applicant has passed an examination which is similar to the Board-required examination.

(b) An applicant for licensure pursuant to this section shall submit the following to the Board:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:44G-14.1;

3. The documentation required pursuant to N.J.A.C. 13:44G-4.1 or 4.2 relative to educational and experiential requirements for the type of licensure sought; and

4. Examination results.

### **SUBCHAPTER 5. (RESERVED)**



## **SUBCHAPTER 6. CONTINUING EDUCATION**

### **13:44G-6.1 License and certification renewal and continuing education requirement**

Any applicant who applies for a license or certification renewal shall confirm on the renewal application that the applicant has completed continuing professional education programs or courses of the types and number of credits specified in N.J.A.C. 13:44G-6.2, 6.3 and 6.4. The Board shall not issue a license or certification renewal to any applicant who fails to confirm that the applicant has completed the continuing professional education requirements unless the Board issues the applicant a valid waiver pursuant to N.J.A.C.

### **13:44G-6.2 Credit-hour requirements**

(a) Effective September 1, 2004 (that is, the biennial period beginning September 1, 2004 through August 31, 2006), an applicant for a biennial license or certification renewal shall complete the applicable continuing education credits as follows:

1. A LCSW shall complete a minimum of 40 credits of continuing education, of which at least 20 of the 40 credits shall be in courses or programs directly related to clinical practice and five credits must be related to ethics. If the LCSW earns more than 40 credits during a biennial period, the LCSW may carry a maximum of eight surplus credits into a succeeding biennial period, of which two may be in courses or programs directly related to clinical practice;

2. A LSW shall complete a minimum of 30 credits of continuing education, five of which must be related to ethics. If the LSW earns more than 30 credits during a biennial period, the LSW may carry a maximum of six surplus credits into a succeeding biennial period; and

3. A CSW shall complete a minimum of 20 credits of continuing education, five of which must be related to ethics. If the CSW earns more than 20 credits during a biennial period, the CSW may carry a maximum of four surplus credits into a succeeding biennial period.

(b) If an applicant initially obtains a license or certificate within the second year of a biennial license period, the applicant shall complete not fewer than one-half of the minimum required credits of continuing education, three credits of which shall be in ethics related courses. A LCSW shall complete a least 10 of the 20 credits in programs which directly relate to clinical practice.

### **13:44G-6.3 Content areas for continuing education credit**

(a) The Board shall grant continuing education credit only for programs or courses which are directly related to social work practice and which are advertised and available on a nondiscriminatory basis.

(b) The following content areas are acceptable for continuing education credit:

1. Theories and concepts of human behavior and the social environment;
2. Social work practice, knowledge and skills;
3. Social work research, program evaluation or practice evaluation;

4. Management/administration/social policy; and

5. Social work ethics, including, but not limited to, topics in boundary relationships, conflicts of interest, confidentiality, and recordkeeping.

(c) The following content areas are unacceptable for continuing education credit:

1. Personal development; and

2. Supervisory sessions.

(d) The Board shall maintain a list of all approved programs, courses and seminars at its offices.

### **13:44G-6.4 Sources of continuing education credits and credit-hour calculations**

(a) The Board shall grant credit only for continuing education programs or courses that are at least one instructional hour long, and are directly related to social work practice. For purposes of this subchapter, an “instructional hour” represents a 60-minute clock hour with no less than 50 minutes of content within the hour. Programs or courses may include one 10-minute break for each instructional hour.

(b) A licensee or certificate holder shall complete and be able to verify such completion of a continuing education program or course in order to receive continuing education credit. The Board shall grant a licensee or certificate holder continuing education credit for each two year period as follows:

1. Attendance at programs or courses approved by the ASWB: one credit for each hour of attendance;

2. Attendance at programs or courses approved by the National Association of Social Workers (NASW): one credit for each hour of attendance;

3. Attendance at programs or courses given at State and national social work association conferences, where the criteria for membership is either licensure or certification as a social worker: one credit for each hour of attendance;

4. Attendance at continuing education programs offered at a regionally accredited institution: one credit for each hour of attendance;

5. Completion of an undergraduate or graduate-level course at a regionally accredited institution: five credits for each course credit, up to a maximum of one-half of the required continuing education credits; and

6. Attendance at in-service training in a subject matter related to the setting in which the licensee works: one credit for each hour of training up to a maximum of six credits. Such in-service training shall not include staff meetings, quality assurance or case reviews or case management.

(c) Licensees or certificate holders shall receive continuing education credit for the following:

1. A refereed article published in a professional journal within the preceding biennial period: nine credits per article;

2. Teaching appointments for courses offered in accredited institutions: 15 credits for each new course which a licensee or certificate holder teaches. For the purposes of this subsection, “new” represents a course that the licensee or certificate holder has not taught previously in any educational setting; and
3. Presentations at workshops, training sessions and seminars: 1.5 credits for each hour of a new offering up to a maximum of nine credits.

### **13:44G-6.5 Documentation of continuing education credit**

- (a) A licensee or certificate holder shall keep comprehensive records of the continuing education hours which the licensee or certificate holder completes in order to verify program attendance or activity completion. Each licensee and certificate holder shall submit such documentation to the Board upon its request.
- (b) The licensee or certificate holder shall verify attendance at approved continuing education programs by a certificate of attendance or by a statement from the instructor of the offering. The verification shall include the name of the licensee or certificate holder, the name of the sponsor, the title, location and date of the offering, the signature of a program official and the number of continuing education hours.
- (c) The licensee or certificate holder shall verify individual activities by retaining the following:
  1. For publications, a copy of the published article;
  2. For presentations, copies of the program, syllabus, outlines and bibliographies;
  3. For teaching appointments, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was not previously offered.
- (d) A licensee or certificate holder shall verify completion of academic coursework by an official transcript.
- (e) A licensee or certificate holder shall maintain verification records for five years following the renewal period for which the Board has granted the licensee or certificate holder continuing education credit.

### **13:44G-6.6 Waiver of continuing education requirements**

- (a) The Board may, at its discretion, waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause.
- (b) A licensee or certificate holder who seeks a waiver of the continuing education requirements shall provide to the Board, in writing, the specific reasons for requesting the waiver and such additional information as the Board may request in support of the waiver.

### **13:44G-6.7 Responsibilities of continuing education sponsors**

(a) A continuing education sponsor not included in N.J.A.C. 13:44G-6.4(b) shall obtain Board approval for each course offered and advertised as satisfying continuing education requirements.

(b) The continuing education sponsor shall submit the following for each course for which the sponsor seeks approval:

1. A detailed description of course content and hours of instruction;
2. A curriculum vitae of the lecturer, including specific background which demonstrates that the lecturer is reputable and qualified in the area of instruction; and
3. The fee required pursuant to N.J.A.C. 13:44G-14.1.

(c) The sponsor shall not make substantive changes to an approved course or program, such as a change in course content or instructor, without prior notice to, and approval by, the Board.

(d) The sponsor shall monitor attendance at each approved course and furnish to each enrollee a verification of attendance, which shall include at least the following information:

1. Title, date and location of course offering;
2. Name and license or certificate number of the attendee;
3. Number of credits awarded; and
4. Name and signature of officer or responsible party.

(e) At the conclusion of the program, the sponsor shall solicit evaluations from both the participants and the instructor. The sponsor shall retain the evaluations for three years.

(f) Continuing education programs shall be offered on a non-discriminatory basis. Nothing in this section implies that membership organizations may not discount the cost of attending continuing education programs for dues-paying members, or that agencies may not seek accreditation for programs offered to staff only.

## **SUBCHAPTER 7. LICENSE AND CERTIFICATION RENEWALS**

### **13:44G-7.1 Biennial license and certification renewal; inactive status**

(a) All licenses and certificates issued by the Board shall be issued for a two-year biennial licensure period. A licensee or certificate holder who seeks renewal of the license or certificate shall submit a renewal application and the renewal fee set forth in N.J.A.C. 13:44G-14.1 prior to the expiration date of the license or certificate.

(b) Renewal applications shall provide the applicant with the option of either active or inactive status. A licensee or certificate holder electing inactive status shall pay the inactive license or certificate fee set forth in N.J.A.C. 13:44G-14.1, and shall not engage in the practice of social work.

(c) If a licensee or certificate holder does not renew the license or certificate prior to its expiration date, the licensee or certificate holder may renew the license or certificate within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:44G-14.1.

(d) A license or certificate that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license or certificate shall be deemed to be engaged in unlicensed practice.

### **13:44G-7.2 Return from inactive status**

(a) A licensee or certificate holder who elected inactive status and has been on inactive status for less than five years may be reinstated by the Board upon completion of the following:

1. Payment of the appropriate renewal fee listed in N.J.A.C. 13:44G-14.1 for the social workers level of licensure or certification;
2. The completion of the continuing education units required for each biennial registration period for which they were on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period they were on inactive status which includes the names, addresses, and telephone numbers of each employer.

(b) A licensee or certificate holder who was on inactive status for more than five years who wishes to return to the practice of social work shall reapply for licensure or certification. The applicant shall fulfill all of the initial licensure or certification requirements found at N.J.A.C. 13:44G-4.1, 4.2 or 4.3, as applicable.

### **13:44G-7.3 Reinstatement of suspended license**

(a) An individual whose license or certificate has been automatically suspended for up to five years for nonpayment of a biennial renewal fee pursuant to N.J.A.C. 13:44G-7.1(d) may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:44G-14.1;
2. Completion of the continuing education units required for each biennial registration period for which they were suspended; and
3. Submission of an affidavit of employment listing each job held during the period of suspended license or certification which includes the names, addresses, and telephone numbers of each employer.

(b) A licensee or certificate holder who was suspended for more than five years who wishes to return to the practice of social work shall reapply for licensure or certification. The applicant shall fulfill all of the initial licensure or certification requirements found at N.J.A.C. 13:44G-4.1, 4.2 or 4.3, as applicable.

## **SUBCHAPTER 8. CLINICAL SUPERVISION**

### **13:44G-8.1 Clinical supervision**

(a) All LSWs shall not engage in independent private clinical social work practice and all LSWs engaged in clinical social work practice shall have clinical supervision in accordance with the following standards:

1. Clinical supervision shall consist of contact between a social worker and a supervisor during which at least the following occurs:

- i. The social worker appraises the supervisor of the diagnosis and treatment of each client;
- ii. The social worker's cases are discussed;
- iii. The supervisor provides the social worker with oversight and guidance in diagnosing and treating clients;
- iv. The supervisor regularly reviews and evaluates the professional work of the social worker; and
- v. The supervisor provides at least one hour of face-to-face individual or group clinical supervision per week.

2. Until July 7, 2004, clinical supervision may be rendered by:

- i. A clinical social worker licensed by this State;
- ii. A Board certified psychiatrist licensed by the New Jersey Board of Medical Examiners;
- iii. A psychologist licensed by the New Jersey Board of Psychological Examiners; or
- iv. Any other supervisor the Board may deem acceptable.

3. All applicants shall obtain the Board's prior written approval of any person rendering supervision other than a person identified in (a)2i through iii above.

4. Beginning on July 7, 2004, clinical supervision shall be rendered by a LCSW with a minimum of three years of licensure as a LCSW and who has completed at least 20 continuing education credits of post-graduate course-work related to supervision. Any LSW who has entered into a supervisory relationship with a supervisor pursuant to (a)2 above may continue the supervisory relationship until July 7, 2007.

5. The supervisor shall retain responsibility for the standards of clinical social work practice with respect to treatment being rendered to the client.

6. The supervisor shall refer the clients to the social worker unless the social worker is employed by an agency and obtains supervision pursuant to (d) below.

7. The supervisor or the supervisor's employer shall receive the fee paid by clients for services performed by the social worker engaged in a supervisory relationship.

(b) Prior to commencement of this supervisory relationship, each social worker shall provide the supervisor with proof of their licensure and each supervisor shall verify licensure of the supervisee.

(c) A supervisor shall oversee a maximum of six social workers pursuing the two years of full-time clinical social work experience as set forth in N.J.A.C. 13:44G-4.1.

1. A supervisor who provides group supervision shall oversee a maximum of four social workers in any single group.

(d) Upon written consent of the employer, the social worker shall arrange for off-premises supervision, where no supervision is available onsite.

1. In the case of supervision received through fee for services, the social worker shall obtain the client's written consent to disclose documentation to the supervisor.

(e) The social worker shall disclose that he or she is practicing under supervision, and shall identify the supervisor for the client.

(f) The supervisor shall provide written progress reports concerning the social worker to the social worker and the employer on at least a quarterly basis.

1. The progress report shall contain an assessment of at least the following information concerning the social worker:

i. Ability to establish a professional relationship;

ii. Ability to assess client's needs and to plan appropriate interventions;

iii. Ability to make interventions appropriate to client needs;

iv. Ability to be flexible in choosing and changing interventions as appropriate;

v. Ability to assess prudently the supervisee's own capacities and skills in a professional situation;

vi. Ability to work effectively in a one-to-one relationship;

vii. Ability to work effectively in a group situation;

viii. Ability to work effectively where systems level interventions are required; and

ix. A detailed description of any areas of concern which the supervisor perceives in the social worker's performance.

## **SUBCHAPTER 9. GENERAL OBLIGATIONS OF LICENSEES AND CERTIFICATE HOLDERS; UNLICENSED PRACTICE**

### **13:44G-9.1 Notification of change of address; service of process; notice of disciplinary action in another jurisdiction**

(a) Each licensee and certificate holder shall notify the Board, in writing, within 30 days of any change in the address on file with the Board and shall specify whether the address is a residence or employment address.

(b) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Division of Consumer Affairs at the address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.

(c) Each licensee and certificate holder shall, within 30 days of receiving a notice of disciplinary action taken against the licensee or certificate holder in another jurisdiction, report to the Board in writing his or her receipt of such notification.

### **13:44G-9.2 Notification of change of name**

(a) Any licensee or certificate holder whose name has been legally changed shall forward to the Board by certified mail, return receipt requested, no later than 30 days following the change of name the following:

1. Legal evidence of such change; and
2. A copy of the licensee or certificate holder's original license or certificate with proof that he or she is the same person to whom the Board issued the license or certificate.

(b) Upon receipt of the items set forth in (a) above, the Board shall issue to the individual a new license or certificate.

(c) Upon receipt of the new license or certificate as set forth in (b) above, the licensee or certificate holder shall immediately remit the original license or certificate to the Board.

### **13:44G-9.3 Unlicensed practice of social work**

(a) The following acts or practices shall be deemed to be the unlicensed practice of social work:

1. Offering or rendering social work services by any person other than a LCSW, a LSW or a CSW or any person who is not exempt from licensure under the Social Workers' Licensing Act, N.J.S.A. 45:15BB-5.
2. The use by any person other than a LCSW, a LSW or a CSW of any title or designation that includes the words social worker or social work or that may mislead the public, such as, but not limited to, social worker, licensed clinical social worker, licensed social worker, certified social worker, medical social worker, social work technician; and any of the abbreviations SW, LCSW, LSW, CSW, SWT or similar abbreviations. Licensed and certified social workers shall use only the title or designation corresponding to the license or certification held.



3. Engaging in the independent practice of clinical social work for a fee by any person other than a LCSW.
4. Offering or rendering clinical social work services by a LSW, unless the LSW is under supervision pursuant to N.J.A.C. 13:44G-3.2 and 8.1.
5. Offering or rendering clinical social work services by an individual working in a nonprofit organization, and possessing a master's degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education, unless that individual possesses a license issued by the Board.
6. Offering or rendering clinical social work services by a CSW.

## **SUBCHAPTER 10. BUSINESS PRACTICES; PROFESSIONAL CONDUCT**

### **13:44G-10.1 Display of notice of licensure or certification; notification of availability of fee information**

(a) All LSWs or CSWs employed in an agency setting and LCSWs conducting independent practice shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the social worker's clients:

1. "Social workers are licensed or certified by the Board of Social Work Examiners, an agency of the Division of Consumer Affairs. You may notify the Board of any complaint relative to the practice conducted by a social worker. The Board's address is Division of Consumer Affairs, Board of Social Work Examiners, Post Office Box 45033, 124 Halsey Street, Newark, New Jersey 07101."

2. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

### **13:44G-10.2 Financial arrangements with clients**

(a) Fees for social work services and clinical social work services shall be reasonable and commensurate with the status and experience of the social worker when compared with fees of social workers offering like services or treatment in the geographic area and shall be consistent with the provisions of N.J.A.C. 13:44G-10.10 prohibiting excess fees.

(b) Where payment of the usual fee would be a hardship, a social worker shall refer the client to other sources for provision of needed services.

(c) Before providing social work services or clinical social work services, a licensee or certificate holder shall assist the client to understand financial arrangements. The information shall include, but not be limited to:

1. The identity of the person or entity responsible for payment of the fee for services;
2. The fee for services or the basis for determining the fee to be charged;
3. Whether the licensee or certificate holder will accept installment payments; and

4. The financial consequences, if any, of missed appointments.

(d) The provisions of this section shall not apply to a social worker in an agency setting.

8 d.66, effective January 20, 1998.

### **13:44G-10.3 LCSW; financial arrangements with clients**

(a) In addition to complying with N.J.A.C. 13:44G-10.2, a licensee providing clinical social work services shall prepare and maintain a written list of current fees for standard services and, upon request, shall provide the list to clients.

(b) The licensee shall include all of the following information on the list:

1. Whether Medicaid clients are accepted;

2. Whether Medicare clients are accepted;

3. Whether other third party payor plans are accepted;

4. Whether insurance payments (excluding deductible and copay) are accepted as payment in full; and

5. Whether special fee categories are available, such as senior citizens or members of designated groups (for example, preferred provider plan members).

### **13:44G-10.4 Conflicts of interest**

(a) A social worker providing social work services shall not provide those services in circumstances that would be expected to limit the social worker's objectivity and impair professional judgment or increase the risk of exploitation.

(b) A social worker providing clinical social work services shall not enter into any relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such relationships include, but are not limited to, professional treatment of employees, tenants, students, supervisors, close friends or relatives and supervision of close friends and relatives.

(c) A social worker who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.

### **13:44G-10.5 Professional interaction with clients**

(a) A social worker shall advise the client or the client's legal guardian, in terms the client or guardian can understand, of the nature and purposes of the services to be rendered and the limits and obligations associated with such services. In circumstances where the confidential information may be requested and where disclosure of the confidential information may be legally required, the client or the client's legal guardian shall be notified in writing. These

disclosures shall occur as soon as possible in the social worker-client relationship and, as needed, through the course of the relationship.

(b) A social worker shall not provide social work services while under the influence of alcohol or any mind altering drug that impairs delivery of services.

(c) A social worker shall obtain competent professional assistance in order to determine whether to voluntarily suspend, terminate or limit the scope of the social worker's professional and/or scientific activities which are foreseeably likely to lead to inadequate performance or harm to a client, colleague, student or research participant.

(d) When interacting with a research subject, a social worker shall observe research requirements consistent with accepted standards of practice.

### **13:44G-10.6 Termination of services**

(a) A social worker shall terminate services to a client when the services are no longer required or no longer meet the client's needs or interests.

(b) A social worker shall not abandon or neglect a client in need of professional services without making reasonable arrangements for the continuation of such care or offering to help the client find alternative sources of assistance.

(c) A social worker who anticipates the termination or interruption of services to a client shall notify the client promptly and seek the transfer, referral or continuation of service in relation to the client's needs and preferences.

### **13:44G-10.7 Sexual misconduct, harassment; discrimination**

(a) As used in this section, the following terms shall have the following meanings unless the context indicates otherwise:

1. "Client" means any person who is the recipient of a professional social work service rendered by a social worker. "Client," for purposes of this section, also means a person who is the recipient of professional social work services even if those services are unrelated to ongoing social work services.

2. "Client-social worker relationship" means an association between a social worker and a client wherein the social worker owes a continuing duty to the client to be available to render professional social work services consistent with his or her training and experience.

3. "Harassment" means deliberate or repeated comments, contacts, or gestures which intimidate or offend an individual on the basis of that individual's race, religion, color, national origin, marital status, sexual orientation, physical or mental disability or any other preference or personal characteristic, condition or status.

4. "Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the social worker's own prurient interest or for sexual arousal or gratification. "Sexual

contact” includes, but is not limited to, the imposition of a part of the licensee’s body upon a part of the client’s body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client’s body into or near the genital, anal or other opening of the other person’s body.

5. “Sexual harassment” means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a social worker’s activities or role as a provider of social work services, and that is unwelcome, offensive to a reasonable person, or creates a hostile workplace environment, and the licensee knows, should know or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. “Sexual harassment” may include conduct of a non-sexual nature if it is based upon the sex of an individual. “Sexual harassment” may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to conduct of a licensee with a client, co-worker, employee, student or supervisee whether or not such individual is in a subordinate position to the licensee.

(b) A social worker shall not accept as a client an individual who, within the immediately preceding 24 months, was the social worker’s sexual partner.

(c) A social worker shall not engage in sexual contact with a client with whom the social worker has a client-social worker relationship, a former client to whom any social work services were rendered within the immediately preceding 24 months, a current student, a supervisee or supervisor or a research participant.

1. The 24 month limitation shall not apply, and the prohibition shall extend indefinitely, in circumstances where the former client is or should be recognized by the social worker as clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the social worker.

(d) A social worker shall not condone or engage in sexual harassment or harassment.

(e) A social worker shall not condone or engage in any form of discrimination on the basis of an individual’s race, age, religion, color, national origin, marital status, gender, sexual orientation, physical or mental disability or any other preference or personal characteristic, condition or status.

(f) A social worker shall not seek or solicit sexual contact with a client, and shall not seek or solicit sexual contact with any person in exchange for professional services.

(g) A social worker shall not engage in any discussion of an intimate sexual nature with a client, unless that discussion is related to legitimate client needs. Such discussion shall not include disclosure by the social worker of his or her own intimate sexual relationships.

(h) A social worker shall not promote, permit or condone sexual contact between group members in therapy groups.

(i) A social worker shall not engage in any other activity which would lead a reasonable person to believe that the activity serves the social worker’s personal prurient interests, is for the sexual arousal or the sexual gratification of the social worker or the client, or constitutes the sexual abuse of the social worker or the client.

(j) It shall not be a defense to any action under this section that:

1. The client solicited or consented to sexual contact with the social worker; or
2. The social worker was in love with or had affection for the client.

(k) Violation of any of the prohibitions or directives set forth herein shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) or (d) or professional misconduct pursuant to N.J.S.A. 45:1-21(e).

### **13:44G-10.8 Reporting of violations by other licensees**

(a) A social worker shall promptly notify the Board when in possession of information which reasonably indicates that another licensee or certificate holder has demonstrated an impairment, gross incompetence or unprofessional conduct which would present an imminent danger to a client or to the public health, safety or welfare.

1. When the information is obtained in the course of a professional or consulting relationship with a client, and the client is unwilling or unable to make the report, the social worker shall report the information only with the written permission of the client.

2. When the information is obtained in the course of treating a client-social worker, the treating social worker shall not be obligated to notify the Board if:

i. The treating social worker reasonably believes that the improper conduct has ceased and that the treatment is preventing a recurrence of the impairment, incompetence or professional misconduct; or

ii. The treating social worker has reasonable cause to believe that the client-social worker is currently receiving professional supervision and pursuing education to correct the deficiency.

### **13:44G-10.9 Prohibition on solicitation; unethical referrals and kickbacks**

(a) A social worker who provides services to an agency shall not solicit, for his or her private practice, the agency's clients for the same services the agency provides. Nothing in this section prohibits a social worker from offering to the client all appropriate options upon termination of services at the agency, including the continuation of services in private practice.

(b) A social worker shall not refer a client to a service in which the social worker or his or her immediate family has a financial interest, as defined in the Health Care Cost Reduction Act, N.J.S.A. 45:9-22.4 et seq., including an equity or ownership interest in a practice or in a commercial entity holding itself out as offering a health care service.

(c) A social worker shall not prescribe goods or devices which the social worker sells or leases to the client unless the social worker advises the client of the ownership or other interest in the goods or devices.

(d) A social worker shall not pay, offer to pay or receive any fee or other form of compensation for referral of a client for professional services or for the purchase of goods.

(e) A social worker shall not permit the division of fees for professional services unless the social worker is engaged in a bona fide partnership or professional service corporation or employment relationship.

### **13:44G-10.10 Prohibition on excessive fees**

(a) A social worker shall not charge an excessive fee for services. Factors which the Board may consider in determining whether a fee is excessive include, but are not limited to, the following:

1. The time or effort required to perform the service or treatment;
2. The skill required to properly perform the service or treatment;
3. The nature and length of the professional relationship with the client;
4. The experience, reputation and ability of the social worker performing the services;
5. The nature and circumstances under which services are provided; and
6. Whether the fee was set by an institution or agency.

## **SUBCHAPTER 11. ADVERTISING**

### **13:44G-11.1 Definitions**

For purposes of this subchapter, the following terms shall have the indicated meanings unless the context clearly indicates otherwise:

“Advertisement” means an attempt, directly or indirectly by publication, dissemination or circulation in print, electronic or other media, to induce any person or entity to purchase or enter into an agreement to purchase social work services, treatment or goods related thereto.

“Certified” or “certifications” means that a social worker shall have fulfilled all requirements of the agency granting certification and shall have earned a certificate upon satisfactory completion of a program directly related to social work.

“Diplomate” means that a social worker shall have satisfactorily completed a program approved by the American Board of Examiners in Clinical Social Work or shall have had diplomate status conferred by the National Association of Social Workers.

“Electronic media” include, but are not limited to, radio, television, telephone and other electronic means of communication.

“Print media” include, but are not limited to, business cards, newspapers, magazines, periodicals, professional journals, telephone directories, circular, handbills, flyers, billboards, signs, direct mail, matchcovers and other items disseminated by means of the printed word.

“Range of fees” means a statement of fees containing an upper and lower limit on the fees charged for services or goods offered by a social worker.

### **13:44G-11.2 Advertising; general requirements**

- (a) A social worker shall be able to substantiate the truthfulness of any material, objective assertion or representation set forth in an advertisement.
- (b) A social worker who is a principal, partner or officer of a firm or entity identified in an advertisement as offering social work services or goods shall be responsible for the form and content of any advertisement disseminated by or on behalf of a social worker affiliated with the firm.
- (c) A social worker shall assure that an advertisement does not misrepresent, suppress, omit or conceal a material fact. Omission, suppression or concealment of a material fact includes directly or indirectly obscuring a material fact under circumstances where the social worker knows or should know that the omission is improper or prohibits a prospective client from making a full and informed judgment on the basis of the information set forth in the advertisement.

### **13:44G-11.3 Minimum content**

- (a) A social worker shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards and professional stationery:

1. Name, identification of licensure or certification status; and
2. Street address and telephone number of the practice location.

- (b) A social worker may petition the Board for waiver of the requirement to list street address for good cause. A social worker shall submit a request for a waiver in writing which shall detail the reason(s) for the request which may include, but is not limited to, the maintenance of personal or client safety.

### **13:44G-11.4 Use of professional credentials and certifications**

- (a) A social worker shall accurately and objectively represent his or her competence, education, training, experience and diplomate status, as held at the time of the representation.
- (b) An advertisement that includes information on professional credentials shall contain the highest academic degrees attained related to the practice of social work and shall refer only to degrees obtained from accredited academic institutions.
- (c) An advertisement that includes information on social work certification or diplomate status shall include the full name of the agency conferring the certification or diplomate or the recognized name or abbreviation of the certification or diplomate.

(d) In addition to the information required to appear pursuant to N.J.A.C. 13:44G-11.3, letters or abbreviations that may appear immediately adjacent to the social worker's name shall be limited to those representing the following:

1. The highest academic degrees earned related to the practice of social work;
2. Current social work certifications or diplomate status as defined in N.J.A.C. 13:44G-11.1; and
3. Other licenses or certifications issued by another state or Federal agency.

(e) Letters or abbreviations appearing immediately adjacent to the social worker's name shall appear in the following order only: highest academic degrees earned related to the practice of social work; licensure or certification; social work certifications or diplomate status. For example, MSW, LCSW, BCD.

(f) Nothing in this section shall preclude any truthful and non-deceptive statement in regard to education or experience in a particular area of social work.

#### **13:44G-11.5 Advertisements regarding fees; required disclosures**

(a) Advertisements regarding fees shall be limited to those which contain a fixed or a stated range of fees for specifically described social work services.

(b) A social worker who advertises a fee or range of fees shall include the following disclosures in any such advertisement:

1. All relevant and material variables and considerations which are ordinarily included in the advertised services so that the fee will be clearly understood by prospective clients. In the absence of such disclosures, the stated fees shall be presumed to include everything ordinarily required for the advertised services;

2. The additional services contemplated and the fee to be charged therefor. In the absence of such disclosures, the social worker shall be prohibited from charging an additional fee for the advertised service; and

3. The period during which the advertised fee will remain in effect. In the absence of such disclosure, the advertisement shall be deemed to be effective for 30 days from the date of its initial publication.

(c) The advertisement of any specific fee shall not preclude the social worker from decreasing the fee or waiving the fee in individual circumstances.

#### **13:44G-11.6 Prohibited types or method or methods of advertising**

(a) A social worker shall not guarantee that satisfaction or a cure will result from the performance of professional services.

(b) A social worker shall not communicate information that may identify a client without the client's written consent.



(c) A social worker shall not offer a professional service which the social worker knows or should know is beyond his or her ability to perform, and shall adhere to the specifications set forth in N.J.A.C. 13:44G-10.5.

(d) A social worker shall not advertise any technique or communication which appears to intimidate, exert undue pressure or unduly influence a prospective client.

### **13:44G-11.7 Use of testimonials**

(a) An advertisement containing a lay or an expert testimonial shall be based upon the testimonial giver's personal knowledge or experience obtained from a provider relationship with the social worker or upon the testimonial giver's direct personal knowledge of the subject matter of the testimonial.

(b) Prior to using the testimonial, the social worker shall obtain a signed, notarized statement and release indicating the testimonial giver's willingness to have his or her testimonial used in the advertisement.

(c) A layperson's testimonial shall not attest to any technical matter beyond the layperson's competence to comment upon.

(d) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.

(e) A social worker shall be able to substantiate any statement of fact appearing in a testimonial.

(f) Where a social worker directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent:

COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL

### **13:44G-11.8 Retention of advertisements**

(a) The social worker shall retain for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The social worker shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.

(b) Documentation relating to the use of testimonials shall be retained for a period of three years from the date of the last use. Documentation shall include, but not be limited to:

1. The name, address and telephone number of the testimonial giver;
2. The type and amount or value of compensation; and
3. The notarized statement and release required pursuant to N.J.A.C. 13:44G-11.7(b).

## **SUBCHAPTER 12. CLIENT RECORDS; CONFIDENTIALITY**

### **13:44G-12.1 Preparation and maintenance of client records**

(a) A social worker shall prepare and maintain for each client a contemporaneous, permanent client record that accurately reflects the client contact with the social worker whether in an office, hospital or other treatment, evaluation or consultation setting.

(b) A social worker shall include at least the following information in the client record:

1. The client name (on each page of the record), address and telephone number;
2. The location and dates of all treatment, evaluation or consultation settings;
3. The identity of each provider of treatment, evaluation or consultation and the supervisor, if any;
4. The presenting situation;
5. Significant social history;
6. Past and current medications, when appropriate;
7. A social work assessment, unless a separate record is kept;
8. A treatment or service plan;
9. Progress notes for each session;
  - i. A social worker may dictate progress and session notes for later transcription provided the transcription is dated and identified as preliminary pending the social worker's final review and approval;
10. Information regarding referrals to other professionals and reports and records provided by other professionals; and
11. Fees charged and paid unless a separate financial record is kept.

(c) A social worker providing clinical services shall include in the client record the following information, in addition to the information required pursuant to (a) above:

1. Significant medical and psychosocial history;
2. A diagnostic assessment; and
3. Prognosis.

(d) The social worker shall periodically review and update the treatment or service plan.

(e) The social worker shall retain the permanent client record for at least seven years from the date of the last entry, unless otherwise provided by law, or in the case of a minor, until age 25.

i. This requirement shall not apply to a social worker in an agency setting where it is not the policy of the agency to allow the social worker to maintain control over the retention of client records.

### **13:44G-12.2 Use of computer to prepare client records**

(a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:

1. Contains an internal permanently activated date and time recordation for all entries;
2. Automatically prepares a back-up copy of the file; and
3. Is designed in such manner that, after the social worker “signs” by means of a confidential personal code (“CPC”), the entry cannot be changed in any manner.

(b) The social worker shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.

(c) The social worker shall finalize or “sign” the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the social worker responsible for the practice shall assure that each such person obtains a CPC and uses the program in the same manner.

(d) Social workers shall document any addenda or corrections to a client’s record in a separately dated, signed and timed note.

### **13:44G-12.3 Confidentiality**

(a) A social worker shall preserve the confidentiality of information obtained from a client in the course of performing social work services for the client, including after the death of a client, except in the following circumstances.

1. Disclosure is required by Federal or state law or regulation.
2. Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation.
3. Disclosure is required by a court of competent jurisdiction pursuant to an order.
4. The client would present a clear and present danger to the health or safety of an individual if the social worker fails to disclose the information.
5. The social worker is a party defendant to a civil, criminal or disciplinary action arising from the social work services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action.

6. The patient or client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses on that person's behalf.

7. The patient or client agrees to waive the privilege accorded by this section. In circumstances when more than one person in a family is receiving social work services, each family member who is at least 14 years of age or older must agree to the waiver. Absent a waiver of each family member, a social worker shall not disclose any information received from any family member.

(b) A social worker shall establish and maintain a procedure to protect the client record from access by unauthorized persons.

(c) The social worker shall establish procedures for maintaining the confidentiality of client records in the event of the social worker's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in accordance with the time frame set forth in N.J.A.C. 13:44G-12.1(e) in the event of the social worker's separation from a group practice.

### **13:44G-12.4 Release of client record**

(a) At the written request of the client or authorized representative, a social worker shall provide the client record or a summary thereof, within 30 days of the request directly to:

1. The client or the client's guardian, except that:

i. A social worker may withhold information contained in the client record from a client or the client's guardian if, in the reasonable exercise of his or her professional judgment, the social worker believes release of the information would adversely affect the client's health or welfare; and

ii. Pursuant to N.J.S.A. 9:17A-1 et seq. the social worker shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.

2. The client's health insurance carrier. Only the following basic information shall be provided. The information provided shall be marked "Confidential" and forwarded to the attention of a specific individual if identified by the client or authorized representative.

i. The client's name, age, sex, address, educational status, identifying number within the insurance program, date of onset of difficulty, date of initial consultation, dates and character of sessions (individual or group) and fees;

ii. Diagnostic information, defined as therapeutic characterizations of the type found in the current version of the DSM or in another professionally recognized diagnostic manual;

iii. Status of the client (voluntary or involuntary; inpatient or outpatient);

iv. The reason for continuing social work services, limited to an assessment of the client's current level of functioning and level of distress. Each aspect shall be described as "none," or by the term mild, moderate, severe or extreme; and

v. Prognosis, limited to an estimate of the minimal time during which treatment might continue.

3. Another licensed health care professional, hospital, nursing home or similar licensed institution which is providing or has been asked to provide treatment to the client.

(b) A social worker may elect to provide a summary of the client record, as long as the summary adequately reflects the client's history and treatment, unless otherwise required by law.

(c) A social worker may charge a reasonable fee for the reproduction of the client record or the preparation of a summary. The fee shall be no greater than an amount reasonably calculated to recoup the costs of copying or transcription.

(d) A social worker shall not charge a fee for completion of health insurance claim forms.

(e) A social worker may charge a reasonable fee for completion of reports required for third party reimbursement of client treatment expenses when the third party makes a separate request for reports to be completed.

1. If additional information is requested by a third party, the social worker shall procure informed consent from the client for release of the specific information requested.

(f) When a report is needed to enable a client to receive ongoing care by another practitioner or for use in judicial proceedings, a social worker shall not require advance payment as a condition for releasing the report; except that a social worker may require advance payment for release of a report prepared by the social worker as an expert witness.

(g) This section shall not apply to a social worker in an agency setting who does not, by agency policy, have control over or authority to release client records.

## **SUBCHAPTER 13. (RESERVED)**

## **SUBCHAPTER 14. FEES**

### **13:44G-14.1 Fees**

(a) Charges for licensure, certification and other services:

1. Application fee ..... \$75.00

2. Initial clinical license fee:

i. If paid during the first year of a biennial renewal cycle ..... \$160.00

- ii. If paid during the second year of a biennial renewal cycle ..... \$80.00
- 3. Initial license fee:
  - i. If paid during the first year of a biennial renewal cycle ..... \$120.00
  - ii. If paid during the second year of a biennial renewal cycle ..... \$60.00
- 4. Initial certification fee:
  - i. If paid during the first year of a biennial renewal cycle ..... \$70.00
  - ii. If paid during the second year of a biennial renewal cycle ..... \$35.00
- 5. Clinical license renewal fee, biennial ..... \$160.00
- 6. License renewal fee, biennial ..... \$120.00
- 7. Certification renewal fee, biennial ..... \$70.00
- 8. Late renewal fee ..... \$100.00
- 9. Inactive fee (To be set by the Director by regulation)
- 10. Reinstatement fee ..... \$150.00
- 11. Endorsement fee ..... \$75.00
- 12. Duplicate wall certificate ..... \$40.00
- 13. Change of address ..... \$25.00
- 14. Verification of licensure/certification ..... \$25.00
- 15. Duplicate license ..... \$25.00
- 16. Verification of continuing education credits ..... \$40.00
- 17. Continuing education fees:
  - i. Continuing education sponsors (biennial) ..... \$100.00

## **CHAPTER 45C. UNIFORM REGULATIONS**

### **SUBCHAPTER 1. LICENSEE DUTY TO COOPERATE AND TO COMPLY WITH BOARD ORDERS**

#### **13:45C-1.1 Applicability, scope and definitions**

(a) This subchapter shall apply to all licensees of any board, committee or sub-unit within the Division of Consumer Affairs.

(b) For the purpose of this subchapter, “licensee” shall mean any licensee, permittee, certificate holder or registrant of:

1. The Division of Consumer Affairs;
2. Any professional or occupational licensing board within the Office of Professional/ Occupational Boards and any committee, or other subunit of a board or committee located within the Division;
3. The Office of Consumer Protection; or
4. The Legalized Games of Chance Control Commission.

#### **13:45C-1.2 Licensee’s duty to cooperate in investigative inquiries**

(a) A licensee shall cooperate in any inquiry, inspection or investigation conducted by, or on behalf of, a board, the Director or the licensee’s licensing agency into a licensee’s conduct, fitness or capacity to engage in a licensed profession or occupation where said inquiry is intended to evaluate such conduct, fitness or capacity for compliance with applicable statutory or regulatory provisions.

(b) A licensee’s failure to cooperate, absent good cause or *bona fide* claim of a privilege not identified in N.J.A.C. 13:45C-1.5 as unavailable, may be deemed by the board, the Director, or the licensing agency to constitute professional or occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) or the agency’s enabling act and thus subject a licensee to disciplinary action pursuant to N.J.S.A. 45:1-21(h) or the agency’s enabling act.

#### **13:45C-1.3 Specific conduct deemed failure to cooperate**

(a) The following conduct by a licensee may be deemed a failure to cooperate and, therefore, professional or occupational misconduct and grounds for suspension or revocation of licensure:

1. The failure to timely respond to an inquiry to provide information in response to a complaint received concerning licensee conduct;
2. The failure to timely provide records related to licensee conduct;
3. The failure to attend any scheduled proceeding at which the licensee’s appearance is directed. In the event that a licensee elects to retain counsel for the purpose of representation in any such

proceeding, it shall be the licensee's responsibility to do so in a timely fashion. The failure of a licensee to retain counsel, absent a showing of good cause therefore, shall not cause an adjournment of the proceeding;

4. The failure to timely respond or to provide information requested pursuant to a demand under N.J.S.A. 45:1-18 or other applicable law or to provide access to any premises from which a licensed profession or occupation is conducted. Included within this paragraph shall be the failure to respond to any demand for statement or report under oath, the failure to permit the examination of any goods, ware or item used in the rendition of the professional or occupational service and the failure to grant access to records, books or other documents utilized in the practice of the occupation or profession;

5. The failure to answer any question pertinent to inquiry made pursuant to N.J.S.A. 45:1-18 or other applicable law unless the response to said question is subject to a *bona fide* claim of privilege;

**6. The failure to make proper and timely response by way of appearance or production of documents to any subpoena issued pursuant to N.J.S.A. 45:1-18 or as may otherwise be provided by law; or**

7. The failure to provide to the Board, the Director or the licensing agency timely notice of any change of address from that which appears on the licensee's most recent license renewal or application.

#### **13:45C-1.4 Failure to comply with Board orders as professional or occupational misconduct**

The failure of a licensee to comply with an order duly entered and served upon the licensee or of which the licensee has knowledge shall be deemed professional or occupational misconduct.

#### **13:45C-1.5 Unavailability of privileges in investigative or disciplinary proceedings**

(a) In any investigative inquiry conducted pursuant to N.J.S.A. 45:1-18 or in any disciplinary proceeding conducted pursuant to N.J.S.A. 45:1-21, or as may otherwise be authorized by law, the physician-patient privilege, psychologist-patient privilege, marriage and family therapist-client privilege, professional counselor-client privilege, associate counselor-client privilege, social worker-client privilege and the alcohol and drug counselor-client privilege shall be unavailable.

(b) Any statements or records otherwise subject to a claim of the stated privileges which may be obtained by the Board, its agent or the Attorney General pursuant to N.J.S.A. 45:1-18 shall remain confidential and shall not be disclosed unless so ordered by a court of competent jurisdiction, the appropriate licensing board or the Office of Administrative Law in a contested case.

#### **13:45C-1.6 Maintenance of and access to statements, records or other information that is subject to a privilege declared unavailable**

(a) Any statements, records or other information which may be subject to any privilege declared unavailable in this subchapter shall be maintained in a secure place and manner by:

1. The evidence custodian within the Division of Consumer Affairs, Enforcement Bureau;



2. The professional or occupational licensing board and the committee or other subunit of a board or committee located within the Division which has a direct connection with, or a need for access to, the matter to which the statements, records or other information pertain; or

3. A Deputy Attorney General.

(b) Except as may be otherwise ordered as provided in the subchapter, access to statements, records or other information shall be afforded only to employees of the Attorney General, the Enforcement Bureau, or the Board or other subunit of the Division having a direct connection with, or a need for access to, the matter to which the statement, records or other information pertain.

(c) The statements, records or other information shall be retained only for the period of time during which an investigation remains open or until the completion of all administrative or judicial proceedings relating thereto, at which time they shall be returned to the licensee or other person from whom they were obtained. In the absence of such licensee or other person, the statements, records or other information shall be returned to the patient, where appropriate.